A true Collection

OF

SPEECHES, ARGVMENTS, IMPEACHMENTS,

Messages, and Conferences, and other Transactions

In that Memorable PARLIAMENT,

Begun at Westminster,

The third day of *November*,

1640.

The II. VOLUME.

Collected by the same hand that lately Published the weekly Newes or perfect Diurnall.

Who promiseth the Reader upon his kind acceptance of this, to present him hereafter (God assisting) with a Continuation of Parlimentary Proceedings, and Military Transactions, more methodically and exactly Collected and continued till this present time.

Humbly presented to the PARLIAMENT.

LONDON,

Printed for *L. Chapman*, and are to be sold at his Shop next doore to the *Fountain*-Taverne in the *Strand*, 1659.

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B L

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The KINGS Majesties First Speech in Parliament the third of *November*, 1640.

My Lords,

THe knowledge I had of the desires of my Scottish Subjects, was the cause of my calling the last Assembly of Parliament, wherein had I beene beleeved, I sincerely thinke, that things had not fallen out as now we see: But it is no wonder that men are so slow to believe that so great a sedition should be raised and so [illegible]. But now my Lords, and Gentlemen, the honour and safety of this Kingdome lying so neerely at the stake, I am resolved to put my self freely and cleerly on the love and affections of my English Subjects, as these of my Lords that did wait on me at *York*, very well remember I there declared. Therefore my Lords, I shall not mention mine own interest, or that support I might justly expect from you, till the common safety be secured; though I must tell you I am not ashamed to say, those charges I have been at, have been meerly for the securing and good of this Kingdome, though the successe hath not been answerable to my desires. Therefore I shall only desire you to consider the best way both for the safety and security of this Kingdome, wherein their are two parts chiefly considerable. First, the chastising out of the Rebells. And secondly, that other, in satisfying your just grievances, wherein I shall promise you to concurre so

heartily

heartily and cleerely with you, that all the World may see my intentions have ever beene and shall be, to make this a glorious and flourishing Kingdome. There are only two things that I shall mention to you; First, the one is to tell you that the Loane of money which I lately had from the City of *London*, wherein the Lords that waited on me at *Yorke* assisted me, will only maintain my Armie for two moneths from the beginning of that time it was granted. Now my Lords, and Gentlemen, I leave it to your considerations, what dishonour and mischiefe it might be, in case for want of money my Armie be disbanded, before the Rebells be put out of this Kingdome. Secondly, the securing the calamities the Northern people endure at this time, and so long as the treaty is on foot. And in this I may say not only they, but all this Kingdome will suffer the harme; therefore I leave this also to your consideration, for the ordering of these great affairs whereof you are to treat at this time. I am so confident of your love to me, and that your care is for the honour and safety of the Kingdome, that I shall freely and willingly leave to you where to begin: only this, that you may the better know the state of all the Affairs I have commanded my Lord Keeper to give you a short and true accompt of these things that have happened in this interim, with this Protestation, that if this accompt be not satisfactory as it ought to be. I shall whensoever you desire, give you a full and perfect accompt of every particular. One thing more I desire of you, as one of the greatest means to make this a happy Parliament; That you on your parts, as I on Mine, lay aside all suspition one of another, as I promised my Lords at *Yorke*; It shall not be my fault if this be not a happie and good Parliament.

The

The *Kings* ſpeech in Parliament the fift of *November*, 1640.

My Lords,

I do expect that you will haſtily make relation to the Houſe of Commons, of thoſe great affai s for which I have called you hither at this time, and for the truſt I have repoſed in them, and how freely I put my ſelfe on their love and affections at that time; and that you may know the better how to do ſo, I ſhall explaine my ſelfe concerning one thing I ſpake the laſt day. I told you the Rebells muſt be put out of this Kingdome; it's true, I muſt needs call them ſo, ſo long as they have an Armie that do invade us; and although I am under treaty with them, and I under my great Seale do call them Subjects, and ſo they are too, but the ſtate of my Affairs in ſhort is this. It's true, I did expect when I did will my Lords and great ones at *Yorke*, to have given a gracious anſwer to all your grievances; for I was in good hope by their wiſedomes and aſſiſtances to have made an end of that buſineſſe, but I muſt tell you that my Subjects of *Scotland* did ſo delay them, that it was not poſſible to end there: Therefore I can no wayes blame my Lords that were at *Rippon*, that the treaty was not ended, but muſt thanke them for their pains and induſtry, and certainly had they as much power as affections, I ſhould by that time have brought theſe diſtempers to a happy period; ſo that now the treaty is tranſported from *Rippon* to *London*, where I ſhall conclude nothing without your knowledge, and I doubt not but by your approbation; for I do not deſire to have this great work done in a corner, for I ſhall lay

open all the sleepe of this mis-understanding, and cause of the great differences between Me and my Subjects of *Scotland*. And I doubt not but by your assistance to make them know their duty, and also by your assistance to make them return whether they will or no.

The *King's* Speech to both the Houses, *January* 25. 1640.

My Lords,

THe Knights, Citizens, Burgesses; The principall cause of my comming here at this time, is by reason of the slow proceedings in Parliament, touching which is a great deale of inconvenience.

Therefore I think it very necessary to lay before you the state of my affairs as now they stand, therby to hasten (not interrupt) your proceedings.

First, I must remember you that there are two Armies in the Kingdome, in a manner maintained by you, the very naming of which, doth more cleerly shew the inconvenience thereof, then a better tongue then mine can expresse.

Therfore in the first place, I shall recommend unto you the quick dispatch of that businesse, assuring you that it cannot rest upon me.

In the next place I must recommend unto you the State of my Navie and Forts; the condition of both which is so well known unto you, that I need not tell you the particulars, only thus much; they are the Walls and defence of this Kingdome, which if out of order, all men may easily judge what incouragement it will be to

Our

Our enemies, and what disarming to our friends.

Last of all, (and not of the least to be considered) I must lay before you the distractions that are at this present occasioned through the cause of Parliament; for there are some men that more maliciously than ignorantly, will put no difference betweene Reformation, and alteration of government.

Hence it commeth that divine Service is irreverently interrupted, and Petitions in an ill way given in, neither disputed nor denied. But I will enter into no more particulars, but shew you a way of remedie, by shewing you my cleer intentions, and some marke that may hinder this good worke.

I shall willingly and cheerfully concur with you for the Reformation of all Innovations both in Church, and Common-wealth, and consequently that all Courts of Justice may be reformed according to Law. For my intentions is cleerly to reduce all things to the best and purest times as they were in the time of Queen *Elizabeth*.

Moreover, whatsoever part of my Revenue shall be found illegall or heavy to my Subjects, I shall be willing to lay down, trusting in their affections. Having thus cleerly and shortly set down my intentions, I will shew you some rubs, and must needs take notice of some very strange (I know not what terme to give them) Petitions given in the name of divers Counties, against the established government of the Church, and of the great threatnings against the Bishops, that they will make them to be but a Cipher, or at least taken away.

If some of them have incroached too much upon the Temporaltie (if it be so) I shall not be unwilling these things should be redressed and reformed, as all other abuses according to the wisdome of former times; so farre I shall go with you, no further.

If upon serious debate you shall shew that Bishops have some Temporall Authority, not so necessary for the go-

vernment of the Church, and upholding Episcopall Jurisdiction; I shall not be unwilling to desire them to lay it down, but this must not be understood, that I shall any way consent that their voice in Parliament should be taken away; for in all the times of my Predecessors since the Conquest, and before, they have enjoyed it; I am bound to maintain them in it, as one of the fundamentall Institutions of this Kingdome.

There is one other Rock you are on, not in substance, but in service; and the forme is so essentiall, that unlesse it be reformed, will split you on that Rock.

There is a Bill lately put in concerning Parliaments. The thing I like well to have frequent Parliaments, but for Sheriffes and Constables to use my Authoritie, I can no wayes consent unto.

But to shew that I desire to give you content in substance as well as in shew, that you shall have a Bill for doing thereof, so that it do not trench neither against my Honor, neither against the ancient Prerogatives of the Crowns concerning Parliaments, Ingeniously confesse, often Parliaments is the fittest means to keep correspondencie betweene Me and my People, that I doe so much desire.

To conclude, now all that I have shewen you, the state of my Affairs, My own cleere intentions, and the Rocks I would have you shun.

To give you all contentment, you shall likewise finde by these Ministers, I have, or shall have, about me for the effecting of these my good intentions, which shall redouble the peace of the Kingdome, and content you all. Concerning the conference, you shall have a direct answer on Monday, which shall give you satisfaction.

The

The *Kings* ſpeech to both Houſes of Parliament in the *Lords* Houſe, at the paſsing of the Bill for a Triennial Parliament, the 16th of *November*, 1640.

MY Lords, and you the Knights, Citizens, and Burgeſſes of the Houſe of Commons; you may remember when both Houſes were with Me at the Banquetting Houſe at *Whitehall*, I did declare unto you two Rocks I wiſhed you to eſchew, this is the one of them, and of that conſequence, that I thinke never Bill paſſed here in this Houſe of more favour to the Subjects then this is, and if the other Rocke be as happily paſſed over as this ſhall be at this time, I do not know what you can aske for ought I can ſee at this time, that I can make any queſtion to yeeld unto: Therefore I mention this to ſhew unto you the ſence that I have of this Bill, and obligation as I may ſay that you have to me for it, for hitherto, to ſpeake freely, I have had no great incouragement to doe it; if I ſhould looke to the outward face of your actions or proceedings, and not looke to the inward intentions of your hearts, I might make queſtion of doing it.

Hitherto

Hitherto you have gone on in that which concerns your Selves so much, and yet those things that nearly concern the Strength of this Kingdom, neither for the State, nor my own particular.

This I mention, not to reproach you, but to shew you the state of things as they are, you have taken the Government almost in peeces, and I may say, it is almost off the hinges.

A skilfull Watchmaker to make cleane his Watch, he will take it a sunder, and when it is put together, it will go the better, so that he leave not forth then one pin in it.

Now as I have done all this on my part, you know what to do on your parts, and I hope you will see clearly that I have performed really what I expressed to you at the beginning of this Parliament, of the great trust I have of your affection to me, and this is the great expression of trust, that I believe you do any thing for me, that I do put such confidence in you.

M

His

HIS MAJESTIES Letter to the Lords on the behalf of the Earle of *Strafford*, sent by the PRINCE.

My Lords,

I Did yesterday satisfie the Justice of the Kingdome by passing of the Bill of Attainder against the Earle of *Strafford*; but mercie being as inherent, and inseparable to a King as Justice. I desire at this time in some measure to shew, that likewise by suffering that unfortunate man to fulfill the naturall course of his life in a close imprisonment, yet so, that if ever he make the least offer to escape, or offer directly, or indirectly to meddle in any sort of Publique business; especially with me, either by Message, or Letter, it shall cost him his life without further Processe. This, if it may be done without the discontentment of my People, will be an unspeakable contentment to me.

To which end, as in the first place, I by this Letter do earnestly desire your approbation, and to endeare it the more, have chosen him to carry it, that of all your House is most dear to me. So I desire that by a conference, you will endeavour to give the House of Commons contentment: Likewise assuring you, that the excuse of mercy is no more pleasing to me, then to see both Houses of Parliament consent for my sake, that I should moderate the severity of the Law, in so important a case.

I

I will not say that your complying with me, in this my intended mercie, shall make me more willing, but certainly t'will make me more cheerfull in granting your just grievances. But [illegible] my People, I must say *fiat justitia*. Thus again recommending the consideration of my intentions to you, I rest.

Whitehall the 11th of May, 1641.

Your unalterable and affectionate Friend,

CHARLES, R.

If he must dye, it were charity to Reprieve him till Satterday.

May 11th 1641.

THis Letter all written with the Kings own hand, the Peers this day received in Parliament, delivered by the hand of the Prince. It was twice read in the House, and after serious and sad consideration, the House resolved presently to send 12. of the Peers Messengers to the King, humbly to signifie, that neither of the two intentions expressed in the Letter, could with duty in them, or without danger to himselfe, his dearest Consort the Queene, and all the young Princes their Children, possibly be advised; With all which being done accordingly, & the reasons shewed to his Majesty, He suffered no more words to come from them, but out of the fulnesse of his heart to the observance of Justice, and for the contentment of his people, told them, that what he intended by his Letter was with an (if) if it may be done without discontentment

tenement of his People; if that cannot be, I say againe the same that I write for justice. My other motion proceeding out of charity for a few dayes respite, was upon certain information that his Estate was so distracted, that it necessarily required some few dayes for settlement thereof.

Whereunto the Lords answered, their purpose was to be Suitors to his Majesty for favour to be shewed to his innocent Children; and if himselfe had made any provision for them, that the same might hold.

This was well liking to his Majesty, who thereupon departed from the Lords; at his Majesties parting they offered up into his hands the Letter it selfe which he had sent; but He was pleased to say, my Lords, what I have written to you, I shall content it be Registred by you in your House. In it you see, my minde, I hope you will use it to my honor.

This upon returne of the Lords from the King, was presently reported to the House by the Lord Privy Seal, and ordered, that these Lines should go out with the Kings Letter, if any copy of the Letter were dispersed.

THAT BISHOPS ought not to have Votes in PARLIAMENT.

1 BEcause it is a very great hinderance to the exercise of their Ministeriall Function.

2 Because they doe vow and undertake at their Ordination when they enter into holy Orders, that they will give themselves wholly to that Vocation.

3.4 Because Councells and Canons in severall Ages, do forbid them to meddle with secular affairs, because 24 Bishops have dependancie on the two Archbishops, and because of their Canonicall obedience to them.

5 Because they are but for their lives, and therefore are not fit to have legislative power over the honors, inheritance, persons, and liberties of others.

6 Because of Bishops dependancie, and expecting translations to places of great profit.

7 That severall Bishops have of late much incroached upon the consciences and liberties of the Subjects; and they, and their Successors will be much incouraged still to incroach, and the Subjects will be much discouraged from complaining against such incouragements if 26 of that Order, be to be Judges of those complaints, the same reason extends to their legislative power in any Bill to passe for the regulation of their power, upon any emergent inconveniencie by it.

8 Because

8 Because the whole number of them is interessed to maintaine the Jurisdiction of Bishops, which hath beene found so grievous to the three Kingdomes, that *Scotland* hath utterly abolished it, and multitudes in *England*, and *Ireland* have petitioned against it.

9 Because Bishops being Lords of Parliament, it setteth too great a distance betweene them, and the rest of their Brethren in the Ministry, which occasioneth pride in them, discontent in others, and disquiet in the Church.

To their having Votes a long time.

Answ. If inconvenient Time and usage are not to be considered with Law-makers, some Abbots voted as anciently in Parliament as Bishops, yet are taken away. Therefore the Bishops Certificate to plenary of Benefice and loyalty of Marriage, the Bill extends not to them.

For the secular Jurisdictions of the Deane of *Westminster*, the Bishops of *Durham*, and *Ely*, and the Archbishop of *Yorke*, which they are to execute in their owne persons, the former reasons shew the inconveniencies therein.

For their Temporall Courts and Jurisdictions which are executed by their Temporall Officers, the Bill doth not concerne them.

The Lord *Keepers* Speech in the Upper House of Parliament.

Novemb. 3. 1640.

My Lords,

AND you the Knights, Citizens, and Burgesses of the House of Commons, you have been summoned by His Majesties Gracious Writ, under the great Seal of *England*, and you are here this day assembled for the holding of a Parliament. The Writ tels you tis to treat, and consult of the High, Great, and weighty affairs, that concern the estate and safety of the Kingdom. It tels you true, that since the Conquest, never was there a time that did more require, and pray for the best advice and affection of the *English* people. It is ill viewing of objects, by viewing them in multiplying Glasse, and is is almost as mischievous in the speech of such a broken Glasse, which represents but to the half. The onely and the perfect way is to look in a true Mirror. I will not take upon me to be a good looker in it, I will onely hold it to you to make use of it.

The Kingdom of *England* is this multiplying Glasse, you may there see a State which hath flourished for divers hundred yeers, famous for time of peace and warre, glorious at home, and ever considerable abroad. A Nation to whom never yet any Conqueror gave new Laws, nor abolished the old, nor would this Nation ever suffer a Conqueror to meddle with their Laws, no not the *Romans*, who yet when as they subdued all the people, made

made it part of the Conquest, to leave their Laws in triumph with them. For the *Saxons*, *Danes*, and the *Normans*, if this were a time to travell into such particulars, it were an easie task to make it appear, that it never changed the old established Laws of *England*, nor ever brought in any new, so as you have the frame and constitution of a Common-wealth, made glorious by antiquity. And it is with States, as with persons and families, certainly an interrupted pedigree doth give lustre. It is glorious in the whole frame, worth your looking upon, long and your consideration in every part.

The King is the head of the Common-wealth, the Fountain of Justice, the life of the Law, He is *animus & deliciæ legis*.

Behold Him in His glorious Ancestors, that have so swayed the Scepter of the Kingdome.

Behold Him in the high attributes, and the great prerogatives, which so ancient and unalterable Laws have given, and invested him with.

Behold Him in the happy times, that we have so long lived, under His Monarchial government.

For His excellent Majesty, that now is our most Gratious Soveraign; you had need wipe the Glasse, and wipe your eyes, and then you shall truely behold him a King of exemplary Pietie, and Justice, and a King of rare endowments, and abilities of nature, and what he hath got by acquisition, depth of judgement, quicknesse of apprehension, unparaleld moderation in great Councels, and great affaires, such as you my Lords that had the happinesse to attend Him at the Councell of the Peeres at *York*, to your great joy and comfort can witnesse, and after ages will remember, to His eternall honour and fame.

For His just and pious Government, I dare boldly say that if any under Him as our Instrument, have had the distributing of justice to His people, have not done as they ought, the fault is their own, and they have done

contrary

contrary to the Royall Nature, and expreſſe Command of our Gratious Soveraign, from whom I have often learned this golden Rule, and Maxim, he ſerves me beſt, that ſerves me with honeſty and integrity.

Behold Him in another part of Himſelf, in His deareſt comfort, our Gracious Queen, the mirror of Vertue, from whom ſince Her happy arrivall here, now above three luſtres of yeeres, never any Subject record other then gratious and benigne Influence; and I dare avow as She is neereſt and deareſt to our Soveraign, ſo there is none whoſe affections and endeavours (His Majeſty onely excepted) hath, or doth, or can cooperate more to the happy ſucceſſe of this Parliament, and the never to be equalled joy, and comfort of a right underſtanding between the King, and His people.

Behold Him in His beſt Image, our excellent young Prince, and the reſt of the Royall, and lively Progeny in whom we cannot but promiſe to our ſelves, to have our happineſſe perpetuated.

From the Throne turn your eyes upon the two ſupporters of it, on the one ſide, the Stemme of honour, the Nobility, and Clergy, on the other ſide, the Gentry and Commons.

Where was there, or is there in any part of the world a nobility ſo numerous, ſo magnanimous, and yet with ſuch a temper, that they neither eclipſe the throne, nor overtop the people, but keep in a diſtance fit for the greatneſſe of the Throne.

Where was there a Common-wealth ſo free, and the ballance ſo equally held, as here? And certainly, ſo long as the beam is ſo held, it cannot be otherwiſe, in right *Anglis*, if you turn the line never ſo little, it growes quickly acute, or obtuſe; and ſo in States, the leaſt deviation makes a great change. But His Majeſties great wiſedome and goodneſſe, and the aſſiſtance of the Honourable Aſſembly, I do not doubt will be a means to make

make us steer between the Scylla of moderation, that there be no declension from the poole of severity.

I am by His Majesties Command, to relate to you some proceedings since the last Assembly here.

You may remember the Summer preceding this last, His Majesty went with an Army into the North, ingaged in honour to to do, by reason of the courses that were taken by divers of the Subjects in *Scotland*, in the prejudice of Monarchy, and rendring lesse glorious this Kingdom. I know not under what pretence, but all that time they came very neer *England*, with an Army so neer that it was believed, they would have then entred and invaded the Kingdome. They did professe the contrary, neither did they want remonstrations, and declarations, to infuse this opinion into the hearts of His Majesties people, before it would by the effects. What their intentions from the beginning were, His Majestie by His goodnesse and wisedome, settled a Peace, and made a pacification at *Berwick*, upon which both Armies were disbanded, which pacification, and every Article of it, His Majesty for His part hath been so far from violating, that whensoever any question shall be made of it, shall plainly and clearly appear, it was His care to see it in all things performed. On the contrary, those Subjects of His not contented with that grace, which His Majesty then gave them in those Articles of pacification, they have strained them beyond the bounds and limits of the intention, and meaning; but they over and above attempted, and acted divers things so prejudiciall to Monarchy, and contrary, and repugnant to the Law, and setled constitution, and usage of that Kingdome, that His Majesty could not in honour continue at it.

This being made known unto His Majesty, and to His Privy Councell, by those who best knew the State, and affairs of that Kingdom, and that were most trusted and imployed by His Majesty. His Majesty by the una-

 nimous

nimous consent of His Privy Councell, resolved to raise an army, to reduce them, to their modest and iust condition of true obedience, and subiection, to defend this Kingdome from all damage and danger, that by their means (how specious soever they shadow their pretences) they might lay upon it.

His Majesty then foresaw, and foretold, that the raising of an Army at this time, was but to stand upon their own defence, as they protested, and they had an intention to enter this Kingdome, and to seize upon some place of importance, and eminency, and His Majesty in particular named *Newcastle*.

Had His Majesty then had means and money, (*Well as he had certain knowledge of their intentions, I do beleeve that these calamities, that have fallen upon that Town, and the Counties adioyning, had been prevented. Perhaps the misinterpretation of His Majesties intentions, and the misunderstanding of His actions, and I am afraid, the too benigne interpretation of the attempts actions, and professions of the Subiects in Scotland*, added some impediment to that which the most of us, I hope have lived to repent of.

His Majesty howsoever went in Person to the North, to see His Army ordered, and to take care for the safety, and defence of this Kingdom, asmuch as he possible could, He had not long been there, but that which he foresaw, and foretold, fell out; for the *Scots* passed with their Army, the Rivers, *Tweed* and *Tine*, and seized upon *Newcastle*, (which) of what importance it is you all know: And that they force contribution of the Counties of *Northumberland*, and the Bishoprick of *Durham*, besides many other spoiles, and distructions, that were committed.

His Majesty well considering of what weight, and importance this was, and then having neither time nor place to call this assembly of Parliament. He did resolve

as had been frequently used, to summon a great Council of all the Peeres, that by their advice and assistance, there might be some interruption given to the calamity, that was likely to spread over the whole kingdome, And commanded Writs to issue accordingly.

That was not done to prevent, but to prepare for a Parliament.

It was not to clash, or enter fire with this assembly, by acting or ordering any thing which belongeth to this high and supream jurisdiction, but onely to give their assistance for the present, to render things more fit for this great assembly.

That His Majesties intention was so, is clear, for before ever any petition was delivered, or ever any speech of petition for a Parliament, His Majesty had resolved to call one.

The Lords understood, It so will plainly appear by the proceedings of the Assembly, of which, if those that were Officers, and Ministers there had been come to Town, upon whose help I rested, for my particular instruction, I should have been better able to have given you an accompt, And His Majesty was pleased to let you know, that when there was an occasion of any particular, you may be satisfied in it. According to His Majesties command 24. of *September*, all the Peeres were summoned, all except some few, did meet where His Majesty was. In the first place, pleased to declare unto us His resolution to call a Parliament, and to all our joyes and contents, as he hath now done it to yours and ours, declared that there was nothing he did more desire then to be rightly understood of His people: And whosoever he be that shall go about (effect it, I am sure he cannot) to attempt or indeavour to alter this gracious declaration, and resolution of His Majesty, or whosoever shall go about to poyson the hearts of His good Subjects, with an opinion that it can be so, or is not the affection of His

loving Subiects, for certainly never Subiects of the world better loved their King then the *English*, nor ever did ever *English* men better love a King then now, if (I say) there be any riots, any acurse and punishment fall upon them, But let the Royall Throne be for ever.

His Maiesty was then pleased to tell us the cause, for which he had called us together.

In the first place, it was nothing in answer to a petition that had been since his coming to *York*: And before His assembly sent unto him from those His Subiects of *Scotland*, that were at *Newcastle*.

The first thing that His Maiesty desired their advice in, was the answer to that petition.

The next thing His Maiesty conceived; And all that were there, were of one opinion, with one voyce, and consent, that it was not fit His Maiesty should disband His Army, so long as the *Scotch* Army was on foot; And His Maiestie wished them to take into their consideration what way to have maintenance for His Army in the mean time.

His Maiesty having opened the cause of calling them together, was pleased to expresse himself that He would leave to the Lords, their freedom of Debate, and himself was ready to have been gone from the Councell, but at the humble suite of the Lords he stayed. And I am perswaded that nothing was of that ioy to them, as His Maiesties presence, with such freedome of discourse did every man deliver himself, with such grace and sweetnesse did his Maiesty hear them, and such content did they take in His moderating, guiding and directing those Councells: My Lords as holding it most necessary, took the latter of those two considerations propounded by His Maiesty, to their thoughts, and that was the supplying and supporting His Maiesties Army, till this Parliament might take some course in it: His Maiesty, and my Lords, did declare themselves, as before I have opened unto you,

that

that they could never attempt, nor have the least thought to make, by any Act or Order, any thing tending to the Subiect, but that it might be left wholly to the supreme Jurisdiction. And therefore not seeing any other way, they resolved by letter to addresse themselves to the City of *London*, And with their letters they sent half a dozen of my Lords.

My Lord Privy Seal, my Lord of *Clare*, who was appointed to go, but his urgent occasions prevented him, Viscount *Cambden*, Lord *Coventry*, Lord *Goring* and

And these Lords they did expresse the joy and content they took in the Kings grace and confidence they had of His gracious assistance, was such, that they did freely offer themselves, and as I dare say there is none but is yet ready to enter into security with His Majesty. And the City gave an answer fit for the Chamber of the King, and part of the money is already lear, and will be ready, I assure my self to supply the rest.

For the other part, the first thing propounded by His Majesty, was touching the answer that was to be given to that petition, and to the demands of the Subjects in *Scotland*, upon which occasion His Majesty was pleased, by those great Officers and Ministers of His, that knew best and understood the laws, and usages of that Kingdome to expound their demands particularly, and to make appear unto their Lordships upon every one, wherein they had expounded the Articles of pacification, which His Majesty ever desired might be the Square, and Rule of the treaty with them.

My Lords tooke into consideration what was fit to be done, for his Majesty then professed as he did oft, and as he hath done it during the time of that Councell, to be wholy ruled, guided, and directed by their advice, for the honor of this Nation, and safety of it, he did leave it to their wisedomes and considerations; against whose advice, and without whose judgements and advice, he would do nothing.

My Lords, howsoever they had received this information, and explanation upon every particular of their demands, yet in justice they thought it was fit to hear what could be said, on the other side, how the objection might be answered, and what objection might be made by them against that which seemed to be plain enough.

For this purpose they were all of opinion, and his Majesty was pleased to be of the same opinion, that some Lords selected and trusted by that great Councell, should Treate with those Subjects of *Scotland* upon all those particulars, to the end that they might see what they did cleerly intend; to the end that if a firm peace which was most desired from us might be had, or a just Warre to be begun.

My Lords of the great Councell that were appointed for that purpose, were the Earles of *Bedford*, *Hertford*, *Essex*, *Salisbury*, *Warwick*, *Bristow*, *Holland*, and *Barkeshire*, The Barons were the Lords, *Wharton*, *Paget*, *Rimbolton*, *Brooke*, *Pawlet*,, *Howard* of *Escrick*, *Savile*, and *Dunsmore*.

After which choice, some generall insurrections proceeding from the debate and discourses in that great Councell, a Commission under the great Seale was given unto them, to enable them to treate and conclude as they in their wisedomes and Judgements should thinke fit. The place appointed for this treaty was at *Ripon*, where the Lords Commissioners wanted the happinesse of that, that they, and we had at *Yorke*, of his Maiesties presence. And that might be the occasion that more time was spent in it, then otherwise would have been; yet my Lords omitted not their parts, but were desirous to look into the depth, to see the utmost extent of their demands.

But before those of *Scotland* could come to the maine treaty, to explaine themselves touching their demands, they made a preparatory demand of maintenance for their Armie, and did go so high, as to demand Forty thousand Pounds a moneth. My Lords (that were very unwilling

ling to do any Act, or make any order whatsoever, as I have opened unto you, for the sustenance, maintenance, and keeping a foot his Maiesties Armie without this great Assembly, which yet they all held fit should not be disbanded) were much startled at the demand of maintenance for an Armie that was not the Kings, and which they did wish could not continue.

But my Lords, as under that name they could not hear it, yet they tooke into consideration the miserable condition of *Northumberland*, the Bishopricke of *Durham*, and *Newcastle*; They tooke into consideration too, the Counties of *Cumberland*, and *Westmerland*, which if the Scottish Armie should enter, were scarce able at this time to defend it selfe, and it were inconvenient to bring the Kings Armie thither.

Nay, their Lords were satisfied that the County of *Yorke* was in danger, and that not to be prevented but by a battell, if the *Scots* came on with an Armie, and my Lords were loath, where there were such ods, so many twenties to one, that a battell should be adventured. And if the County of *Yorke* should be in danger, we might quickly foresee how the danger might run over the whole Kingdome.

And my Lords, as well as those that remained at *Yorke*, as those at *Rippon*, having received complaints from the Bishop of *Durham* (*Northumberland*, and *Newcastle*) and the Maior of *Newcastle* being imprisoned, and some of his Brethren, as was represented unto them, kept without fire or candle, and of divers wastes and spoyles done in the Countrey. My Lords did thinke fit, that since the Counties of *Northumberland*, the Bishoprick of *Durham*, and *Newcastle* had already made a composition and agreement, that they would at last ratifie and confirm the composition and agreement, so as there might be a cessation of Arms, and acts of hostility; and that they which had fled from their dwellings in those Counties might returne in

safety.

safety. My Lords for these reasons thought it fit for the present to give away unto them, rather than to hazard so great calamities and afflictions that would have fallen on those Counties; hereupon they did conclude for 850. pound by day, and this to continue for two moneths, if the treaty before mo[illegible] not effect, the two Moneths to begin from the 16th of October, then they took Articles for cessation of Arms. So as now the state and condition of things as they were acted, I have shortly and summarily delivered to you. I dare not adventure upon too many particulars, least my memory should fail; and if I have not done his Maiesties command, I beg his Maiesties pardon.

And my Lords, of what weight and importance this is to the whole Kingdome, what deepe consideration it requires in our affections; what unsuspected, and insuspected affections had we need bring with us, is easie to judge.

It is his Maiesties pleasure that you of the House of Commons, repaire to your owne House to chuse your Speaker, whom his Maiesty expects you will present to him on Thursday next, at two of the clock in the afternoone.

Mr. SPEAKER his Speech to his Maiesty, in the High Court of Parliament, the fifth of *November*, 1640.

Most gracious and dread Soveraigne:

IN all submissive humblenesse, the Knights, Citizens, and Burgesses of the house of Commons are here assembled, who taking along with them your gracious inclination, have according to their ancient liberties designed me their Speaker.

Whereas I cannot but lament to thinke how great a mist may overcast the hopes of this sessions, yet a note of favour to mee, who cannot but judge my selfe unfit for so great imployment, which so appeares to the whole World.

Many there bee of deepe judgement, and sad experience, that might have added lustre to this action an expedition to the worke, if they had pleased to have left me in that meane condition they found me.

Non mihi tacuisse nocet, Nocet esse locutum.

And then might your Sacred and pious intentions have had their full advancement.

But is it yet too late? may I not appeale to *Cesar?*

Yes, I may, and in the loweſt poſture of humilitie I humbly beſeech your ſacred Majeſty to interpoſe your royall authority to command a review of the houſe, for there were never more then now fitted for ſuch imployments.

My Lord Keeper approves of him by his Majeſties direction.

Then he goes on,

It pleaſeth not your Sacred Majeſtie to vouchſafe a change.

Actions of Kings are not to bee by mee reaſoned.

Therefore beeing imboldened by this gracious approbation, give me leave a little, Dread Soveraigne, to expreſſe my owne thoughts unto our gracious Lord the King.

I ſee before my eyes with admiration the Majeſtie of great Brittaine, the Glory of times, The Hiſtory of honour, *CHARLES* the firſt, in his forefront placed by deſcent of antiquitie (Kings) ſeeled by a long ſucceſſion, and continued to us by a pious and peacefull government.

On the one ſide the Monument of Glory, the Progenie of valiant and puiſſant Princes, the Queenes moſt Excellent Majeſtie.

On the other ſide, the hopes of poſterity, and joy of this Nation, thoſe Oliva branches ſet round your tables, Emblems of peace to poſterity.

Here ſhine thoſe Lights and Lamps placed in a

Mount, which attend your ſacred Majeſty as ſupreame head, and borrow from you the Splendor of their government.

There the true ſtate of Nobility, figures of proweſſe and Magnanimity, fitted by their long contracted honour in their blood, for the Counſell of Princes.

In the midſt of thoſe the Reverend Iudges, whither both partjes (as to the Oracles of Iudgment and Iuſtice) may reſort, Ciſternes that hold faire waters, wherin each deviation, each wrinkle is diſcernable, and from thence (as from the Center) each crooked line ought to be levelled; The footſtoole of your Throne is fixed there, which renders you glorious to all poſteritie.

Here wee the Knights, Citizens and Burgeſſes of the Commons houſe, at your royall feete, contracted from all parts of your Kingdome, Enſignes of obedience and humility; all theſe united by the law equally diſtributed, which cements this great body to the obedience of your ſacred Majeſty;

And compells aſwell the hearts as the hands to contribute for the preſervation of your Majeſtie, and the Common intereſt.

Diſſipates the Invaders of the Church and common wealth, and diſcovers the Impoſtures, but (give me leave dread Soveraigne) knits the Crowne to the Sacred Temples, and frees Majeſty from the Interpretation of miſdoing.

Amongſt theſe this great Counſell is moſt ſoveraigne againſt the diſtempers of this Nation.

Were they infeſtedat Sea, troubled at home, or invaded from abroad, here was the Sanctuary of refuge, hither was the reſort, and no other way found for a foundation of peace.

It is reported of *Conſtantine* the great, that he accompted his Subjects purſe his Exchequer, and ſo it is.

Subtile inventions may pick the purſe, but nothing can open it but a Parliament; which lets in the eye of Soveraignty upon the publicke maladies of the State, and vigilancy for the preſervation of our ancient Liberties; for this wee neede not ſearch into Antiquity; looke but a little backe, there wee ſhall ſee our juſt liberties graciouſly confirmed by your moſt ſacred Majeſty.

And is our happineſſe ſhut up in the remembrance of times paſt onely? No.

Thoſe gracious expreſſions lately falne from your ſacred lips, as hony from the combe, make glad the hearts of your people.

So that now we doe more than promiſe to our ſelves a large and free conſideration of the wayes to compoſe the diſtempers of theſe Kingdomes, and then preſent them to your royall hand for perfection.

And ſuch ſhall be our deportment, that as we ſhall labour the continuance of our Liberties, ſo ſhall wee carry a high regard to preſerve that Soveraigne power wherewith your Majeſty is inveſted for the preſervation of your Kingdome, and to render your ſacred Majeſty terrible to the Nations, and glorious at home.

Are theſe the fruits we have enjoyed by Parliaments? wee cannot then but wonder at that horrid invention in this place projected, *Monſtrum horrendum, informe ingens*, but, the Lord bee thanked, *Cui lumen ademptum eſt.* Can this receive a *Palliation?* Men, Fathers, and Brethren, and all at one blaſt; no reverence to ſacred bones of Princes? were wee not all in a lumpe by them intended to bee offered up to *Moloch?*

Let us never forget this dayes ſolemnization (But whither?) It is too much boldneſſe to preſume longer on your Majeſties grace and goodneſſe; and therefore

for

for the better expedition of this ſervice; Wee humbly deſire;

1. That our ſelves and ſervants may obtaine freedome from arreſts of their perſons and goods.

2. That we may have free liberty of ſpeech without confinement, with a full and free debate.

3. That your Majeſty will vouchſafe our repaire to your ſacred perſon upon matters of importance, according to the ancient priviledges of the houſe.

That with ſuch alacrity wee may now proceed to manifeſt to the world, that our retirements were to reinforce a greater unity and duty, and to endeavour a ſweet violence which may compell (pardon dread Soveraigne the word Compell) your Majeſty to the love of Parliaments.

And thus God will have the honour, your ſacred Majeſty ſplendor, the Kingdome ſafety, and all our votes ſhall paſſe, that your ſacred Majeſty may long, long, long reigne over us; And let all the people ſay, *Amen*.

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THE

The Lord DIGBIES Speech the 9. of Novemb. 1640. Concerning Grievances, and the Triennial Parliament.

Mr. Speaker,

YOu have received now a ſolemne accompt from moſt of the Shires of *England*, of the ſeverall grievances and oppreſſions they ſuſtaine, and nothing as yet from *Dorſetſhire*; Sir, I would not have you thinke that I ſerve for a Land of *Goſhen*, that we live there in Sun-ſhine, whilſt darkneſſe and plagues over-ſpread the reſt of the Land: As little would I have you thinke, that being under the ſame ſharp meaſure that the reſt, we are either inſenſible and benummed, or that, that Shire wanteth a ſervant to repreſent its ſufferings boldly.

It is true Mr. *Speaker*, the County of *Dorſet* hath not digeſted its complaints into that formall way of Petition, which others (I ſee) have done; but have intruſted them to my Partners and my delivery of them by word of mouth unto this Honourable Houſe. And there was given unto us in the County Court, the day of our Election, a ſhort memoriall of the heads of them, which was read in the hearing of the Free-holders there preſent, who all unanimouſly with one voyce ſignified upon each particular, that it was their deſire, that we ſhould repreſent them to the Parliament, which with your leave I ſhall doe, and theſe they are.

1. The great and intollerable burthen of Ship-money)

ney, touching the legality whereof they are unsatisfied.

2. The many great abuses in pressing of Souldiers, and raising moneys concerning the same.

3. The multitude of Monopolies.

4. The new Canon, and the Oath to be taken by Lawyers, Divines, &c

5. The Oath required to bee taken by Church-Officers to present according to Articles new and unusuall.

Besides this, there was likewise presented to us by a very considerable part of the Clergy of that County, a note of remembrance containing these two particulars.

First, the imposition of a new Oath required to bee taken by all Ministers and others: which they conceive to be illegall, and such as they cannot take with a good Conscience.

Secondly, the requiring of a pretended Benevolence, but in effect a Subsidie, under the penalty of suspension, excommunication, and deprivation, all benefit of appeale excluded.

This is all wee had particularly in Charge: But that I may not appeare a remisse servant of my Country, and and of this House; give me leave to adde somewhat of my owne sence.

Truly Mr. *Speaker*, the injurious sufferings of some worthy members of this House, since the dissolution of the two last *Parliaments*, are so fresh in my memory, that I was resolved not to open my mouth in any businesse, wherein freedome and plaine dealing were requisite, untill such time, as the breach of our priviledges

vileges were vindicated, and the safety of speech setled.

But since such excellent Members of our House thought fit the other day to lay aside that Caution, and to discharge their soules so freely in the way of zeale to his Majesties service, and their Countries good: I shall interpret that confidence of theirs for a lucky Omen to this *Parliament*, and with your permission licence my thoughts too, a little.

Mr. *Speaker*, under those heads which I proposed to you, as the grievances of *Dorsetshire*, I suppose are comprised the greatest part of the mischiefs which have of late years layed battery either to our Estates or Consciences.

Sir, I doe not conceive this the fit season to search and ventilate particulars, yet I professe I cannot forbear to adde somewhat, to what was said the last day by a learned Gentleman of the long Robe, concerning the acts of that reverend new *Synod*, made of an old convocation. Doth not every *Parliament* mans heart rise to see the Prelats thus usurpe to themselves the Grand Preeminence of *Parliament*? The granting of Subsidies, & that under so preposterous a name as of a *Benevolence*, for that which is a *Malevolence* indeed; A *Malevolence* I am confident in those that granted it, against *Parliaments*: and a *Malevolence* surely in those that refuse it, against those that granted it, for how can it incite lesse? when they see wrested from them what they are not willing to part with, under no lesse a penalty then the losse both of Heaven and Earth: of Heaven, by excommunication; and of the Earth By Deprivation, & this without Redemption by appeal. What good Christian can think with patience on such an insnaring Oath, as that which is by the new Canons enjoyned to be taken by all Ministers, Lawyers, Physitians, and Graduates in the Universities? where, besides the swearing

such

such an impertinence, as that things necessary to salvation are contained in Discipline; besides the swearing those to be of Divine right, which amongst the learned, never pretended to it, as the Arch things in our Hierarchy. Besides, the swearing not to consent to the change of that, which the State may upon great reason thinke fit to alter: Besides the bottomelesse perjury of an &c. Besides all this, Mr. *Speaker*, men must sweare that they sweare freely and voluntarily what they are compelled unto: and lastly, that they sweare that Oath in the literall sence, whereof no two of the makers themselves, that I have heard of, could never agree in the understanding.

In a word, Mr. *Speaker*, to tell you my opinion of this Oath, it is a Covenant against the King, for Bishops and the Hierarchy; as the Scottish Covenants is against them, onely so much worse then the Scottish, as they admit not of the Supremacy in Ecclesiasticall affaires, and we are sworne unto it.

Now Mr. *Speaker*, for those particular heads of grievances whereby our Estates and Properties are so radically invaded, I suppose (as I sayd before) that it is no season now to enter into a strict Discussion of them; onely thus much I shall say of them, with application to the Countrey for which I serve, that none can more justly complaine, since none can more justly challenge exemption from such burdens then *Dorsetshire*; whether you consider its a Countrey subsisting much by Trade: or as none of the most populous; or as exposed as much as any to Forraigne Invasion.

But alas Mr. *Speaker*, particular lamentations are hardly distinguishable in Vniversall groanes.

Mr. *Speaker*, it hath beene a Metaphor frequent in *Parliament*, and if my memory fayle me not, was made use of in the Lord *Keepers* Speech at the opening of the last; that when many Kings payed from their *Subjects*,

they were *But as Vapors drawn up from the Earth by the Sunne, to bee distilled upon it againe in fructifying showers.* The Comparison Mr. *Speaker*, hath held of late yeares in this Kingdome too unluckily: what hath bin raised from the Subject by those violent attractions, hath beene formed, it is true, into Clouds, but how? to darken the Sunnes owne lustre, and hath fallen againe upon the Land only in Hail-stones and Mildews, to batter and prostrate still more and more our liberties, to blast and wither our affections; had the latter of these beene still kept alive by our Kings owne personall vertues, which will ever preserve him in spight of all ill Counsellours, a sacred object, both of our admiration and loves.

Mr. *Speaker*, It hath beene often sayd in this House, and I thinke can never be too often repeated, *That the Kings of England can do no wrong*; but though they could Mr. *Speaker*, yet Princes have no part in the ill of those actions which their Judges assure them to be just, their Counsellours that they are prudent, and their Divines that they are conscientious.

This Consideration, M. *Speaker*, leadeth mee to that which is more necessary farre, at this season, than any farther laying open of our miseries, that is, the way to the remedy, by seeking to remove from our *Soveraign*, such unjust Judges, such pernicious Counsellours, and such disconscient Divines, as have of late yeares, by their wicked practises, provoked aspersions upon the government of the graciousest and best of Kings.

Mr. *Speaker*, let me not be mis-understood, I level all at no man with a fore-layd designe, let the faults, and and those well proved, lead us to the men: It is the onely true *Parliamentary* method, and the onely fit one to incline our *Soveraigne*. For it can no more

consist

consist with a gracious and righteous Prince to expose his servants upon irregular prejudices; then with a wise Prince to with hold *Malefactors*, how great soever, from the course of orderly justice.

Let me acquaint you M. *Speaker*, with an *Aphorisme* in *Hippocrates*, no lesse Authentick, (I thinke) in the body Politicke, then in the Naturall. *Thus it is to* Mr. Speaker, *Bodies to be throughly and effectually purged, must have their Humors first made fluid and moveable.*

The Humours that I understand to have caused all the desperate maladies of this Nation, are the ill Ministers. To purge them away clearely, they must be first loosened, unsetled, and extenuated; which can no way bee effected with a gracious Master, but by truely representing them unworthy of his protection. And this leadeth mee to my Motion, which is; that a select Committee may bee appointed to draw out of all that hath beene heere represented, such a Remonstrance as may be a faithfull and lively representation unto his Majesty of the deplorable estate of this his Kingdome, and such as may happily point out unto his cleere and excellent judgment, the pernicious Authors of it. And that this Remonstrance *being drawne, wee may with all speed repaire to the Lords, and desire them to joyne with with us in it.* And this is my humble motion.

THE LORD

DIGBIES SPEECH IN THE *HOUSE* OF Commons, to the Bill for trienniall *Parliaments*.

Jann. 19. 1640.

Mr. *Speaker*,

I Rise not now with an intent to speake to the frame and structure of this Bill, nor much by way of answer to objections that may be made; I hope there will be no occasion of that, but that we shall concurre all unanimously in what concerneth all so Universally.

Onely Sir, by way of preparation, to the end that we may not be discouraged in this great worke by difficulties that may appeare in the way of it, I shall deliver unto you my apprehensions in generall of the vast importance and necessity that wee should goe thorow with it.

The Result of my sense is in short this: That unlesse for the frequent convening of *Parliaments* there be some such course setled, as may not be eluded; neyther

ther the people can be prosperous and secure, nor the King himselfe solidly happy. I take this to be the *Vnum necessarium*: Let us procure this, and all our other desires will effect themselves: if this bill miscarry, I shall have left me no publike hopes, and once past, I shall be freed of all publike feares.

The essentialnesse Sir of frequent *Parliaments* to the happinesse of this Kingdome, might be inferr'd unto you by the reason of contraries, from the wofull experience which former times have had of the mischievous effects of any long intermission of them.

But Mr. *Speaker*, why should we clime higher then the levell we are on, or thinke further then our owne Horizon, or have recourse for examples in this busines, to any other promptuary then our owne memories; nay then the experience almost of the youngest here?

The reflection backward on the distractions of former times upon intermission of *Parliament*, and the consideration forward of the mischiefes likely still to grow from the same cause if not removed, doubtlesly gave first life and being to those two dormant Statutes of *Edward* the third, for the yearly holding of *Parliament*: And shall not the fresh and bleeding experience in the present age of miseries from the same spring, not to be paralleld in any other, obtaine a wakening, a resurrection for them?

The Intestine distempers Sir, of former ages upon the want of *Parliaments*, may appeare to have had some other cooperative causes, as sometimes, unsuccessefull Warres abroad; sometimes, the absence of the Prince; sometimes, Competitions of Titles to the Crowne; somtimes, perhaps the vices of the King himselfe.

But let us but rightly weigh and consider the posture, the aspect of this state, both toward it selfe, and

the rest of the world, the person of our Soveraigne, and the nature of our suffering since the third of his Reigne. And there can be no cause coulorable inventible, whereunto to attribute them but the intermission, or which is worse, the undue frustration of *Parliament*, by the unluckly use if not abuse of Prerogative in the dissolving them.

Take in your view Gentlemen, a State in a state of the greatest quiet and security that can be fancied, not only in joyning the calmest peace it selfe, but to improve and secure its happy condition, all the rest of the World at the same time in Tempest, in Combustions, in uncomposible Warres.

Take into your view Sir, a King Soveraigne to three Kingdomes, by a Concentring of all the Royall lines in his Person, as undisputably as any Mathematical ones in *Euclide*. A King firme and knowing in his Religion, eminent in vertue; A King that had in his owne time given all the Rights and Liberties of his Subjects a more cleare and ample confirmation freely and graciously, then any of his Predecessors (when the people had them at advantage) extortedly, I meane in the *Petition of Right*.

This is one Mappe of *England*, Mr. *Speaker*, A man Sir, that should present unto you now, a Kingdome, groaning under that supreme Law, which *Salus populi peristitata* would enact. The liberty, the property of the Subject fundamentally subverted, ravisht away by the violence of a pretended necessity; a triple Crown shaking with distempers in men of the best conscience ready to fly into the wildernesse for Religion. Would not one sweare that this were the Antipodes to the other; & yet let me tell you Mr. *Speaker*, this is a Mappe of *England* too, and both at the same time true.

As it cannot bee denyed, Mr. *Speaker*, that since the Conquest there hath not been in this Kingdome a fuller concurrance of all circumstances in the former Caracter, to have made a Kingdom happy, then for these 12. yeares last past; so it is most certaine, that there hath not beene in all that deduction of ages, such a Conspiracie, if one may so say of all the Elements of mischiefe their second Character, to bring a flourishing Kingdom, if it were possible, to swift ruine and desolation.

I will be bold to say, Mr. *Speaker*, and I thanke *God*, wee have so good a King, under whom wee may speake boldly of the abuse by ill Ministers, without reflection upon his person.

That an Accumulation of all the publike Grievances since *Magna Carta*, one upon another, unto that houre in which the *Petition* of *Right* past into an act of *Parliament*, would not amount to so oppressive; I am sure not to so destructive a height and magnitude to the rights and property of the Subject, as one branch of our beslaving since the *Petition* of *Right*.

The branch I mean, is the judgment concerning Shipmoney. This beeing a true representation of *England* in both aspects.

Let him, Mr. *Speaker*, that for the unmatcht oppression and enthralling of free Subjects in a time of the best Kings raigne, and in memory of the best lawes enacted in favour of Subjects liberty, can find a truer Cause then the ruptures and intermission of *Parliaments*. Let him and him alone be against the setling of this inevitable way for the frequent holding of them.

The true Sir, wicked Ministers have beene the prox-

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timate causes of our miseries, but the want of *Parliaments* the primary, the efficient Cause.

Ill Ministers have made ill times, but that Sir, hath made ill Ministers.

I have read among the Lawes of the Athenians, a form of recourse in their Oaths and vows of greatest & most publique concernment of a three-fold Deity, *Supplicium Exauditori, Purgatori, Malorum depulsori.*

I doubt not but we here assembled for the Commonwealth in this *Parliament*, shall meet with all these Attributes in our Soveraigne.

I make no question but he will graciously heare our Supplications, purge away our Grievances, and expell Malefactors, that is, remove ill Ministers, and put good in their places.

No lesse can be expected from his wisdome and goodnesse.

But let me tell you Mr. *Speaker*, if we partake not of one Attribute more in him; if we addresse not our selves unto that, I meane *Bonorum Conservatori*; we can have no solid, no durable Comfort in all the rest.

Let his Majesty heare our Complaint never so Compassionately.

Let him purge away our Grievances never so efficaciously.

Let him punish and dispell ill Ministers never so exemplarily.

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Let him make choyce of good ones never so exactly.

If there be not a way setled to preserve and keepe them good, the mischiefes and they will all grow again like *Sampsons* Locks, and pull downe the House upon your heads. Beleeve it *Mr. Speaker*, they will.

It hath been a Maxime amongst the wisest Legislators, that whosoever meanes to settle good Lawes, must proceed in them, with a sinister opinion of all Mankinde; and suppose that whosoever is not wicked, it is for want only of the opportunity. It is that opportunity of being ill Mr. *Speaker*, that wee must take away, if ever wee meane to be happy, which can never be done, but by the frequencie of *Parliaments*.

No state can wisely be confident of any publique Ministers continuing good, longer then the rod is over him.

Let me appeale to all those that were present in this House at the agitation of the *Petition* of *Right*. And let them tell themselves truly, of whose promotion to the management of affaires doe they thinke the generality would at that time have had better hopes then of Mr. *Noy*, and Sir *Thomas Wentworth*, both having beene at that time, and in that businesse as I have heard, most keen and active Patriots, and the latter of them to the eternall aggravation of his Infamous treachery to the Common-wealth be it spoken, the first mover, and insister to have this clause added to the *Petition* of *Right*, that for the comfort and safety of his Subjects, his Majesty would be pleased to declare his will and pleasure, that all his Ministers should serve him according to the Lawes and Statutes of the Realme.

And yet Mr. *Speaker*, to whom now can all the inundations upon our liberties under pretence of Law, and the late ſhipwrack at once of all our property, be attributed more then to *Nay*, and thoſe and all other miſchiefes whereby this Monarchie hath beene brought almoſt to the brinke of deſtruction, ſo much to any as to that Grand Apoſtate to the Common-wealth, the now Lieutenant of *Ireland?*

The firſt I hope *God* hath forgiven in the other world; and the latter muſt not hope to be pardoned in this, till he be diſpatcht to the other.

Let every man but conſider thoſe men as once they were.

The excellent Law for the ſecurity of the Subject enacted immediately before their comming to employment, in the contriving whereof themſelves were principall Actors.

The goodneſſe and vertue of the King they ſerved; and yet the high and publique oppreſſions that in his time they have wrought! And ſurely there is no man but will conclude with me, that as the deficience of *Parliaments* hath bin the *Cauſa Cauſarum* of all the miſchiefes and diſtempers of the preſent times: ſo the frequency of them is the ſole Catholicke Antidote that can preſerve and ſecure the future from the like danger.

Mr. *Speaker*, let me yet draw my Diſcourſe a little neater to his Majeſty himſelfe, and tell you, that the frequency of *Parliament* is moſt eſſentially neceſſary to the power, the ſecurity, the glory of the King.

There are two wayes, Mr. *Speaker*, of powerfull Rule,

Rule, eyther by Feare, or Love, but one of happy and safe Rule, that is, by Love, that *Firmissimum Imperium quo obedientes gaudent.*

To which Camillus *advised the* Romans. *Let a Prince consider what it is that moeves a people principally to affection, and dearnesse, towards their Soveraigne. He shall see that there needs no other Artifice in it, then to let them injoy unmolested, what belongs unto them of right: If that have beene invaded and violated in any kind, whereby affections are alienated: the next consideration for a wise Prince that would be happy, is how to regaine them: To which three things are equally necessary.*

1. Re-instating them in their former Libertie.
2. Revenging them of the Authors of those violations.
3. And securing them from Apprehensions of the like againe.

The first, (God be thanked,) wee are in a good way of.

The second in warme pursuit of.

But the third, as essentiall as all the rest, till we be certaine of a *Triennial Parliament*, at the least, I professe I can have but cold hopes of.

I beseech you then *Gentlemen*, since that security for the future is so necessary to that blessed union of affections, and this Bill so necessary to that security:

Let us not be so wanting to our selves; let us not be so wanting to our Soveraigne, as to forbeare to offer unto him, this powerfull, this everlasting Philter, to Charme unto him the hearts of his people, whose vertue can never evaporate.

There is no man, M. *Speaker*, so secure of anothers friendship, but will thinke frequent intercourse and accesse very requisite to the support, to the confirmation of it: Especially, if ill offices have beene done betweene them; if the raysing of jealousies hath beene attempted. There is no Friend but would be impatient to be debarred from giving his friend succour and relieфe in his necessities.

Mr. *Speaker*, permit mee the comparison of great things with little: what friendship, what union can there be so comfortable, so happy, as betweene a gracious Soveraigne and his people? and what greater misfortune can there bee to both, then for them to bee kept from entercourse, from the meanes of clearing mis understandings, from interchange of mutuall benefits?

The people of *England*, Sir, cannot open their Eares, their Hearts, their Mouthes, nor their Purses, to his Majesty, but in *Parliament*.

We can neyther heare Him, nor Complaine, nor acknowledge, nor give, but there.

This Bill, Sir, is the sole Key that can open the way to a frequency of those reciprocall indearments, which must make and perpetuate the happinesse of the King and Kingdome.

Let no man object any derogation from the Kings Prerogative by it. Wee doe but present the Bill, 'tis to be made a Law by him, his Honour, his Power, will be as conspicuous, in commanding at once that *Parliament* shall assemble every third yeare, as in commanding a *Parliament* to be called this or that yeare: there

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is more of his Majesty in ordayning primary and Vniversall Causes, then in the actuating particularly of subordinate effects.

I doubt not, but that glorious King *Edward* the Third, when he made those Lawes for the yearely Calling of *Parliament*, did it with a right sence of his dignity and honour.

The truth is, Sir, the Kings of *England* are never in their Glory, in their Splendour, in their Majesticke Soveraignty, but in *Parliaments*.

Where is the power of imposing Taxes? Where is the power of restoring from incapacities? Where is the legislative Authority? Marry in the King, Mr. Speaker. *But how? In the King circled in, fortified and evirtuated by his* Parliament.

The King out of *Parliament* hath a limitted, a circumscribed jurisdiction. But waited on by his *Parliament*, no Monarch of the East is so absolute in dispelling Grievances.

Mr. Speaker, *in chasing ill Ministers, we doe but dispate Clouds that may gather againe, but in voting this* Bill, *we shall contribute, as much as in us lyes, to the perpetuating our Sunne, our Soveraigne, in his vulticall, in his Noone day lustre.*

A Speech of the Honourable NATHANAEL FIENNES, In the House of Commons the 9. of Febr. 1640.

Mr. *Speaker*,

TWO things have fallen into debate this day.

The first, concerning the *Londoners* Petition, whether it should bee committed or no.

The other, concerning the government of the Church, by Arch-bishops, Bishops, &c. whether it should bee countenanced or no.

For the first, I doe not understand by any thing that I have yet heard, why the *Londoners* Petition should not be committed, or countenanced.

The exceptions that are taken against it, are from the irregularities of the delivery of it, and from the Subject matter contained in it.

For the first, it is alledged that the long taile of this blazing starre, is ominous, and that such a number of Petitioners, and such a number that brought the Petition to the House, was irregular. Hereunto I answer, that the fault was either in the multitude of the Petitioners, or in their carriages, and demeanours: if a multitude finde

finde themselves agrieved, why it should be a fault in them to expresse their grievances more than in one; or a few, I cannot see; nay, to me it seemes rather a reason that their Petitions should be committed, and taken into serious consideration, for thereby they may receive satisfaction, though all bee not granted that they desire. But if wee shall throw their Petition behind the door, and refuse to consider it, that it may seeme an act of will in us. And whether an act of will in us, may not produce an act of will in the people, I leave it to your consideration. Sure I am, acts of will are more dangerous there than here, because usually they are more tumultuous. All Lawes are made, principally for the quiet and peace of a Kingdome; and a Law may be of such indifferent nature many times, that it is a good reason to alter it, onely, because a great number desires it, if there were nothing else in it, and therefore I doe not see that the number of Petitioners is any good reason, why it should not bee committed, but rather the contrary.

Now for their carriage, there came indeed, three or foure hundred of the 15000, some of the better sort of them, and there might bee good reason for it. I have heard that there was brought a Petition to some privie Counsellours, with a thousand hands to it, and being brought onely with sixe men, they were answered, that they sixe might write those thousand hands; if there were a thousand that joyned in the Petition, why did they not come too? And we heard it objected but the other day, in this house against the Ministers Petition, that there were indeed seven or eight hundred names to it, but two hands onely. Therefore it was not without cause, that a considerable number should come with a Petition signed by so many; but for any disorder in their carriage, I saw none; for upon an intimation in one word from this house, they forthwith retired to their dwellings. As for the subject matter of the Petition,

tion, three exceptions are taken against it.

First, that divers things are contemptible in it, as that about *Ovid de Amore*, set forth in English, and other such things.

Secondly, that in many things their discourse was altogether irrationall, for that they argue from personall faults of Bishops against the office it selfe of Bishops, and in other things argue from effects that proceed from it by accident, as if they did flie out of it.

And in the last place, that their prayer and conclusion is bold and presumptuous, desiring so boldly an abolition of standing Lawes.

To the first I answer, that some things may seeme contemptible in themselves, which are not so in their causes, nor in their effects, as the suffering of such lascivious pamphlets to be printed and published, when other profitable writings are suppressed, doth discover a principle, that looseneſſe and prophaneſſe (which will helpe to bring in superstition) is more suitable to their hierarchy than the contrary, which makes them connive at such things as are apt to produce looseneſſe and lewdneſſe, and this is no contemptible effect, nor doth it proceed from a contemptible cause.

In the next place, for that which seemes irrationall in the way of their discovery, divers things may seeme to bee personall faults, which indeed are derived unto the persons from the office, or from the circumstances thereof, I meane their revenues, and dignities on the one side, and the ceremonies on the other side. For most of the things complained of, as silencing, and thrusting out of godly and painfull Preachers, bringing in Innovations in Doctrine, and worship, and the like; although they may seeme personall and accidentall faults, yet if wee follow them to their last resort, wee shall find that their worldly wealth and dignities stirre them up to doe this, that their sole and arbitrary power

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over the Clergy, and in matter Ecclesiasticall, enable them to effect it, and the ceremonies both new and old serve as instruments, and meanes, whereby they effect it.

In the last place, that their Prayer in the conclusion of their Petition, is bold or presumptuous, I doe not see there is any reason so to esteeme of it: for if they had taken upon them to have altered any thing upon their owne authority, or had imperiously required the *Parliament* to doe it, then it might deserve such a stile: but when they come as humble suppliants, by way of Petition, desiring the altering of Lawes, that have been found burdensome unto them, and that of the Parliament, where, and wherein onely old lawes may bee repealed, and new Lawes may be made, they come in the right manner, to their right and proper place, and therefore have done nothing boldly, or presumptuously, but orderly, and regularly, and therefore ought not to receive any check or discouragement in the way that they have taken.

Now Sir, concerning the government of the *Church*, by *Arch-Bishops, Bishops, &c.* which also hath beene spoken unto; whereas it is desired, that the evills, and inconveniences should be shewed which arise not from the persons, but from the offices it selfe of Bishops, I shall apply my discourse particularly to that poynt. But first, I shall crave leave to say a word or two in answer to what hath beene alledged for the credit of the Government by Bishops. First, that it is as ancient as Christian Religion, and that it hath continued ever since the time of Christ and his Apostles, as for this, I doe not pretend to have so much knowledge in antiquity, as to confute this out of the Fathers and Ecclesiasticall Historie; (although there are that undertake that) onely one sentence I have often heard cited out of Saint *Jerome*, that in the Primitive times, *Omnia*

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communi Clericorum Concilio regebantur: and truely so farre as the Acts of the Apostles, and the New Testament goeth, which was the ancientest, and most primitive time of Christianity, I could never find there any distinction betweene a Bishop and a Presbyter, but that they were one and the very same thing. In the next place, that which is alledged for the credit of Episcopacy, is, *that our Reformers and Martyrs were many of them Bishops, and practised many of those things now complained of; and that in other Reformed Churches where Bishops are not, they are desired.* For the *Martyrs* and *Reformers* of the Church that were Bishops, I doe not understand that that was any part of their Reformation, nor of their Martyrdome; I have read, that whereas *Ridley* and *Hooper* had some difference betweene them in their life time about these things, when they came both to their *martyrdome*, he that had formerly beene the Patron of this *Hierarchy*, and *Ceremonies*, told his brother, *that therein his foolishnesse had contended with his wisedome.* As for that which is said, *that other Reformed Churches where they have not Bishops, yet they are desired*, I will not deny but some among them may desire *Bishopricks*, I meane the *Dignities* and *Revenues* of Bishops, but that they desire Bishops as thinking it the fittest and best *Government* of the Church, I cannot beleeve, for if they would have Bishops, why doe they not make themselves Bishops? I know not what hindreth, why they might not have Bishops when they would. In the last place, for that which is alledged in relation to the government of this Kingdome, *that Bishops are so necessary, as that the King cannot well let them goe with the safety of Monarchy, and that if Bishops bee taken away, Assemblies, or something must come in the roome thereof. And if Kings should bee subject thereunto, and should happen to be excommunicated thereby, that after they would be little esteemed, or obeyed as Kings*: for

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this, If it ſhall be cleared, as it is affirmed, or if any thing therein doe ſtrike at Monarchy, I ſhall never give my vote, nor conſent thereunto as long as I live. But to cleare that this is not ſo, I offer to your conſideration, that by the Law of this Land not onely all Eccleſiaſticall Juriſdiction, but alſo all ſuperiority, and preheminence over the Eccleſiaſticall ſtate, is annexed to the Imperiall Crowne of this Realme, and may bee granted by Commiſſion under the great ſeale, to ſuch perſons as his Majeſtie ſhall thinke meet: now, if the King ſhould grant it to a certaine number of Commiſſioners, equall in authority, as hee may doe, this were an abolition of Epiſcopacy, and yet not diminution of Monarchy; But the truth is, Epiſcopacy is a kind of Monarchy under a Monarchy, and is therein altogether unlike the Civill *Government* under his Majeſtie: for the King being a common head over the Eccleſiaſticall ſtate and the Civill, we ſhall finde that in the exerciſe of Civill Juriſdiction, in all Courts under his Majeſty, it is *Ariſtocraticall*, and placed in many, and not in one, as appeareth in this high Court of *Parliament*, in the inferiour Courts of *Weſtminſter* Hall, and in the Sizes, and Seſſions in the Countrey, which are held by many Commiſſioners, and not onely by one, or his *Deputies*, and *Commiſſaries*, as it is in the exerciſe of Eccleſiaſticall government. As to the point of *Excommunication*, ſuppoſing that it did diſſolve naturall and civill bonds of duty, as it doth not, it might indeed be as terrible to Princes, as it is repreſented. But I reaſon thus, *either Princes are ſubject to Excommunication, or they are not: if they bee not, then they need as little to feare a Presbyterie or an aſſembly, as a Biſhop in that reſpect; if they bee, they have as much to feare from Biſhops, at leaſtwiſe from Biſhops in their Convocations, as from Presbyters in their Aſſemblies; and ſo much the more, becauſe they have formerly felt the thunderbolts of thoſe of*

that stampe, but never from this latter sort. And now Sir, I proceede to represent unto you the evills, and inconveniences that doe proceede from the government and Ceremonies of the Church, and truely in my opinion, *the chiefe and principall cause of all the evills which we have suffered, since the Reformation in this Church and State, hath proceeded from that division which so unhappily hath sprung up amongst us, about Church government, and the Ceremonies of the Church, and from which part in that division, I beleeve, it will appeare in the particulars.* I know well there is a great division, and that upon great matters, betweene us and the Papists, and I am not ignorant that there have beene great and sore breaches made upon our Civill Liberties, and the right of our proprieties.

But yet still I returne to my former position, that the chiefe and most active cause hath proceeded *from the Government and Ceremonies of the Church*, and that those other causes have either fallen into it, and so acted by it, or issued out of it, and so acted from it. As for Popery, *I conceive that to have beene a cause that hath fallen into this, and acted by it*; for at the *Reformation* it received such a deadly wound by so many sharpe Lawes enacted against it, that had it not beene enlivened by this division amongst us, it could never have had influence upon our Church and State to have troubled them, as this day wee feele; but finding that in this division amongst us, one party had need of some of their principalls to maintaine their *Hierarchy*, together with their worldly pompe and *Ceremonies*, which are appurtenances thereunto, from hence they first conceived a ground of hope, and afterwards found meanes of successe, towards the introducing againe of their superstition and Idolatry into this Realme; and they wrought so diligently upon this *foundation*, that they have advanced their building very farre, and how neare they were to

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set up the Roofe, I leave it to your consideration. As for the evills which *we have suffered in our civill liberty, and the right of our proprieties, I conceive they have proceeded out of this, and so called from it; for if there had beene no breaches of* Parliaments, *there would have bin no need to have had recourse unto those broken Cisternes, that can hold no water*; but there being a stoppage of *Parliamentary* supplyes, that was an occasion of letting in upon us such an *inundation of Monopolies*, and other illegall taxes, and impositions, accompanyed with many other heavy and sore breaches of our *Liberties*. Now there needed not to have beene any breaches of *Parliaments*, had there not beene something *disliked in them*, and what was that? it could not bee any of these *civill* matters that bred the first difference, for they have proceeded out of it, therefore I conceive it was this: *The Prelates with their adherents* (the Papists also concurring with them for their interest) *did alwayes looke upon Parliaments with an evill eye, as no friends to their offices and functions, at leastwise to their Benefices and Dignities, and therefore* (some of them having alwayes had the grace to bee too neare to the Princes eares) *they have alwayes endeavoured to breed a disaffection in Kings from Parliaments, as the Presse and Pulpit doe abundantly witnesse, and Ballads too, made by some of them upon the breaches of Parliaments.* But wee have a fresh and bleeding instance of this in the confirmation in his Majesties name, which they procured to be prefixed before their new Booke of Canons, wherein they have endeavoured to make this impression upon his Majesties Royall minde, *that the Authors and Fomenters of the jealousie in respect of the new Rites and Ceremonies lately introduced into the Church, which wee call innovations, did strike at his Royall person, as if hee were perverted in his Religion, and did worship God in a superstitious way, and intended to bring in some Innovation in*

matter

matter of Religion. Now Sir, who are the authors of those jealousies? did they not come as complaints in the Petitions from the bodies of severall Counties the last *Parliament*, and from more this present *Parliament?* and who were the fomenters of those jealousies? did not the generall sence of the last Parliament concurre in it, that they were Innovations, and that they were suspitions, as introductory to superstition? Nay, I appeale to all those that hear me, which are drawn from al parts of the Kingdom, whether this be not the generall sence of the greatest and most considerable part of the whole Kingdom? *I beseech you then to consider, what kind Offices these men have dane between the King and the Parlament, between the King and Kingdom, I speak of the greatest and most considerable part, as giving denomination to the whole.* And now Sir, as we have cast our eye backwards, if wee will looke forwards, how doe the clouds thicken upon us, and what distractions, yea what dangers doe they threaten us withall, proceeding still from the same root of Church Government and Ceremonies? *and truely as things now stand, I see but two wayes, the one of Destruction, the other of Satisfaction; Destruction I meane of the opposite partie to the Bishops, and the Ceremonies, and reducing of all to Canonicall obedience, by faire meanes or by foule: this way hath beene already tryed, and what effect it hath brought forth in our neighbour kingdome, wee well know, and it is like to produce no very good effect in this Kingdome, if mens scruples and reasons in that behalfe shall bee onely answered with Prisons, and Pillaries, and hard Censures, that I may speake most softly of them. I hold therefore, that the other way of satisfaction is the safest, the easiest, and the onely way. And that is to take into consideration, the severall heads of the evills, which are causes of these complaints, and to finde out, and apply the proper remedies thereunto.* For the furtherance whereof, I shall make

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bold with your patience (which I am very unwilling to tire, but must tire my owne Conscience if I should not discharge it upon this occasion) to represent a briefe Modell of the severall heads and springs from whence the evills, which are causes of these complaints, doe naturally or occasionally arise. The evils complained of, doe either arise from persons, or from things; those faults that are personall are besides the poynt that I intend to speake to, there is one onely remedy for them, that is, by punishment and removall of such persons, and the putting of better in their roome. As for those evills which proceed from things, they also are remedied by a removall of such things as are evill, and the putting of better in their roome; the evills and inconveniences of this kinde doe principally flow, either from the Clergies Offices and functions, or from their Benefices and Dignities; those that arise from their Offices and functions, doe arise naturally either from the Lawes and Constitutions whereby, and according to which they exercise their Offices and functions, or from the Government it selfe, wherein they exercise those functions. The faults that I note in the Ecclesiasticall Lawes are, that they hold too much of the Civill Law, and too much of the Ceremoniall Law: Of the Civill Law, in respect of all those Titles concerning Wills, and Legacies, tithes, marriages, adulteries, which all belonging to the Civill jurisdiction, and are no more of spirituall consideration, than rapes, thefts, felonies, or treasons may bee. Sir, it is good that every bird should have his owne feather, and I remember when one came to our *Saviour Christ, to desire him that he would cause his Brother to divide the inheritance with him, hee asked him, who made him a Judge of such things?* and may not we aske, who made them that take themselves to bee successours of Christ and his Apostles, Judges of such

things?

things? Many inconveniences arise from hence; First *that the minds of Clergie men are inured unto Civill Dominion, and to meddle with civill matters.* Secondly, *the manner of their proceedings, is turned from a Spirituall way into the fashion of Processes in Temporall Courts.* And lastly, which is worst of all, *by this meanes the Spirituall Sword comes to bee unsheathed about such things as doe not at all fall under the stroake thereof.* Many are excommunicated for Pigges, Apples, and Nuts, and such like things But the other fault which I noted in the Ecclesiasticall Lawes and Constitutions, pincheth us more, which is, *that they hold too much of the Ceremoniall Law.*

And here Mr. *Speaker*, give me leave to lament the condition of this our Church of *England*, beyond that of all other reformed Churches. A certaine number of *Ceremonies* in the judgement of some men unlawfull, and to bee rejected of all Churches, in the judgement of all other reformed Churches to bee rejected by them, and in the judgement of our owne Churches, but indifferent *Ceremonies*: and yet what difference? yea, what distractions have these indifferent *Ceremonies* raised among us? What hath deprived us of so many faithfull, able, and godly Ministers since the Reformation, as able and as fit in all other respects to discharge that function, as any age ever produced in the Christian Word since the time of the Apostles, I say what hath deprived us of them, but these *indifferent Ceremonies*? What hath deprived us of so many thousand Christians which desired (and in all other respects deserved) to hold communion with us; I say, what hath deprived us of them, and scattered them into I know not what places and corners of the World, *but these indifferent Ceremonies*? What hath caused so many hard censures, and harder executions, but these *indifferent Ceremonies*? What hath occasioned those calamities

Iamities and dangers, which we feele, and which wee feare, but those *indifferent Ceremonies?* I shall say no more of them, but *I pray God that now at length it may please his Majesty with the his great Councell of Parliament, to take a view of them, and if there be a necessity to retaine them, let them be retained; but if not, then let us remove them, before they ruine us.* As to the evills and inconveniences that arise out of the government it selfe, I should have noted something amisse, as well in the *legislative* part, as in the *executive* part, but in the former I am prevented, by what hath beene already voted concerning the Power of making Canons: which votes if they bee brought to perfection, they will set us right in great part, in that respect; for surely, before the power was neither in the hands of such as were representative of that which is truely the Church of *England*, nor yet in the hands of those that were truely representative of the Clergy of *England*, if they were the whole Church, as indeed they are not. As to the *executive* part, which consisteth in the exercise of Ecclesiasticall Jurisdiction, therein I note also two disorders, Confusion, and Corruption; Confusion of the Spirituall Sword with the Temporall; Laymen strike with the Spirituall sword, and Spirituall men with the Temporall sword: nay, out of the same mouth, and at the same time proceedeth an Excommunication, and a fine, or commitment, or both: I will not say positively, that it is unlawfull for Clergie-men to exercise civill jurisdiction, because I know it is a question, but yet such a question as hath bin determined by divers Canons of generall Councels, and by some that were made in Synods of the Church of *England*, that it is unlawfull, and that upon grounds which are not contemptible.

As first, that it is contrary to the precept and practice of Christ and his Apostles. And secondly, *That it is not*

possible for one man to discharge two Functions, whereof either is sufficient to employ the whole man, especially that of the Ministery so great, that they ought not to entangle themselves with the affaires of this world. A third ground not so well observed generally, as in one part thereof, is this, That Ministers of the Gospell, being sent especially to gaine the Soules of men, they are to gaine as great interest as possible may be, in their minds and affections: Now we know that the nature of all men is such, that they are apt to think hardly of those that are any Authors of their pain and punishment, although it bee in a way of Justice, and therefore as it is well knowne, that Clergy men are not to be present in judicio sanguinis; so the same reason extends it selfe to the administration of all Civill jurisdiction, and therefore we may observe that our Saviour Christ, as hee alwayes rejected all Civill judicature, so on the other side, he went up and downe healing mens bodies, and otherwise doing good to their outward estate, that his Doctrine might have a freer and fairer passage into their Soules. For the corruption that I spoke of in the exercise of Ecclesiasticall jurisdiction, I doe not meane any personall corruption, but a deviation or aberration from the prescript of the Divine Rule: And though it bee not easie to finde what that is in all particulars, yet it is not hard to say, what it is not, and that I doubt may prove our case in divers things. Ecclesiastical Jurisdiction we know extendes either to the Clergy onely, and consisteth in the Ordination, Admission, Suspension, and deprivation of them, or else it extendeth to the whole Church, and consisteth in Excommunication and Absolution. As to the Ordination, Admission, Suspension, and Deprivation of Ministers; we see how it is wholy at the pleasure of one man, and that of one man proceeding in a manner Arbitrarily, and that of one man whose interest is concerned in it, that the doore shall be shut against able and painfull preaching Ministers, and a wide doore set open to such

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as are unable, and unfit for that function: many and great and dangerous evills arise from hence. As first that there is a constant hate and feud between the Ecclesiasticall State and the Civill, betweene Prelates and Parliaments, betweene the Canon Law *and the* Common Law, *betweene the* Clergy *and the* Common-wealth, *arising from the Disproportion and Dissimilitude which is betweene the* Civill *and* Ecclesiasticall Government, *however it may seeme to some to agree well enough, but the truth is, if we consider his* Majesty *as the Common-head over the* Ecclesiasticall State, *as well as the* Civill, *wee shall finde that in the exercise of all Civill jurisdiction, in all Courts under his* Majesty, *the power is not in any one, or his Deputies and Commissaries, as it is in the* Ecclesiasticall Government, *in the severall Dioceses throughout this* Kingdome: *If we looke first upon the Highest and greatest Court, the* High Court of Parliament, *we know that it is a Councell, and a great* Councell *too. In like manner, in the inferiour Courts of* Westminster-Hall, *there are many* Judges *in the point of Law, and more in matter of Fact, wherein every man is judged by twelve of equall condition unto him, (I meane the* Juries,) *which are Judges of the Fact, both in causes Civill and Criminall. And if we look into the Country, we shall find the* Sessions *and* Assizes, *and other* Courts, *held not by any one, but by divers* Commissioners. *And in short, in the Civill Government, every man from the greatest to the least, hath some share in the* Government *according to the* Proportion *of his* Interest *in the* Common-wealth: *But in the* Government *of the* Church, *all is in the hands of one Man, in the severall* Dioceses, *or of his* Chancellors, *or* Commissaries, *and he exacts Canonicall Obedience, to his* Pontificall *Commands, with a totall Exclusion of those that notwithstanding have as much share in the* Church, *and consequently as much Interest in the* Government *of it, as they have in that of the*

Common-wealth. (Sir) untill the Eccleſiaſticall government be framed ſomething of another twiſt, and be more aſſimilated unto that of the Common-wealth, I feare the Eccleſiaſticall government will bee no good neighbour unto the Civill, but will be ſtill a caſting in of its leaven into it, to reduce that alſo to a ſole, abſolute, and arbitrary way of proceeding: And herein (Sir) I doe not beleeve, that I utter Propheſies, but what wee have already found and felt.

A ſecond, and that a great evill, and of dangerous conſequence, in this ſole and arbitrary power of Biſhops over their Clergy, is this, that they have by that meanes, a power to place, and diſplace the whole Clergy of their Dioceſſe at their pleaſure: and this is ſuch a power, as for my part, I had rather they had the like power over the Eſtate and perſons of all within their Dioceſſe; for if I hold the one, but at the will and pleaſure of one man, (I meane the Miniſtery under which I muſt live) I can have but little, or at leaſt no certain joy nor comfort in the other. But this is not all, for if they have ſuch a power to mould the Clergy of their Dioceſſes, according to their pleaſure, wee know what an Influence they may have by them upon the people, & that in a ſhort time they may bring them to ſuch blindneſſe, and ſo mould them alſo to their owne wills, as that they may bring in what Religion they pleaſe: nay, having put out our eyes, as the *Philiſtins* did *Sampſons*, they may afterwards make us grinde, and reduce us unto what ſlavery they pleaſe, either unto themſelves, as formerly they have done, or unto others, as ſome of them lately have beene forward enough to doe. Now whether it be ſafe to walke upon Stilts on the top of the pinacles of the Temple, upon ſo high *precipices*, as are the matters of Religion and Conſcience (which may have alſo a dangerous Influence upon our civill liberties) I leave it to your conſideration: for my part I ſhould

ſhould not thinke it ſafe, that ſuch a power ſhould bee in any one man, though you ſuppoſe him to be a very good man.

A third evill, and that of dangerous conſequence, is that the doore is ſhut againſt able and painfull Preaching *Miniſters*, and a wide doore ſet open to thoſe that are unable, and unfit for that function, and the Biſhops intereſt is concerned in it', that it ſhould bee ſo, *Intereſt of honour*, *Intereſt of profit*, *and Intereſt of power*, *Intereſt of credit*; for they ſee that thoſe painfull Preachers carry away all the credit from them, and they neither can nor will doe the like themſelves: they cannot by reaſon they are ſo intangled with the affaires of this world, and civill juriſdiction; they will not, their great Dignities and Honours make them ſo ſtately, that they thinke it is not Epiſcopall to preach often; and on the other ſide, they are ſo fat, and live ſo much at their eaſe, that through idleneſſe they cannot bring their mindes unto it, and ſo firſt ariſeth envy againſt thoſe that doe take paines, and thence after ſpringeth perſecution. In the next place, *their Intereſt is concerned in matter of profit: for they ſuppoſe, that if the credit of their* Diana *fall to the ground, their gaine will after ceaſe, and that the people will thinke much, that ſome men ſhould take all the paines, and other goe away with all the profit.*

Laſtly, *their Intereſt is concerned in it, in poynt of power, for they finde that neither ſuch preaching Miniſters, nor their Auditors, are ſo pliable to yield blinde Canonicall obedience, as others are: and ſo it concernes them in poynt of power to ſtop their mouthes.*

And now it muſt needes follow by the rule of *Contraries*, *that it muſt be for their profit, honour, and power, to ſet open a doore to idle and unfit Miniſters.* But there are two particulars which I will note, wherein it concernes them in their profits, to ſet the doore very

wide open, where there is no ſuſpition of *refractorineſſe*. Firſt, we know Biſhops have many times *Livings* in *Commendum* and *Pluralities*: but there is hardly any, but they have impropriations, whereof they are to ſee the Cure diſcharged, and therefore it is for their profit, that there may be good ſtore of cheap Curates, which cannot be very fit and able men; and with ſuch ordinarily they furniſh the Cures of ſuch places whereof they have the Impropriations. (Sir) In the next place we know, that orders are not given, but in a manner ſold, for not onely the Biſhop, and his Regiſter, but alſo his Uſher, his Chamberlaine, his Butler, and Porter, and almoſt all his meniall ſervants muſt have their fees, before the poore Clerke with his Boxe full of Orders can paſſe the Porters Lodge. I heare much of the legall Simony, which conſiſteth in the buying and ſelling of Benefices, but whether this doth not approach nearer to the Evangelicall Simony, which conſiſteth in the buying and ſelling of the gifts of the holy Ghoſt; I offer it to your conſideration. Now (Sir) for Excommunication and Abſolution, all ſeemes to be out of poynt, for Excommunication is neither in right hands, nor exerciſed upon right grounds and matters, nor in a right forme and manner, nor to right ends, and then it is no marvell if it have not right effects. (Sir) we know our Saviour hath lodged it in the Church (for ſo runs the precept) *dic Eccleſia*: now (Sir) that one man ſhould bee a Church, ſounds ſtrangely in my eares. In the next place (I beſeech you Sir) conſider about what their Spirituall Sword is exerciſed, about things no way lying under the ſtroke thereof; A man ſhall be excommunicated for a Pig, or for an Apple, and ſuch like things: I heard once a Gentleman of the Civill Law anſwer hereunto in this houſe, that the Excommunication was not for the thing, but for the contempt, and the leſſe the thing was, that was commanded,

ded, the greater was the contempt: If this were ſo, ſure the greater is the cruelty, to lay command upon ſo ſmall a matter, that draweth after it ſo deepe a cenſure, as to caſt a man downe into Hell. Suppoſe a Magiſtrate ſhould command ſome trivlall matter, ſome ceremony or other, under pain of treaſon, and ſhould proceed againſt the Infringers of his command as Traytors, it were much to be doubted, whether the command did not partake more of cruelty, than the diſobedience of contempt; for when authority ſhall ſo farre loſe it ſelfe, as to lay ſo great a weight upon ſo ſmall a matter, it rendreth it ſelfe contemptible, and then it is no marvaile (I had almoſt ſayd) it is no fault, if it bee contemned, having made it ſelfe contemptible. Then Sir, for the forme of proceeding, it is no whit ſpirituall, there is no faſting and prayer, no ſeeking to reclaime the ſinner, but rather it is after the faſhion of a ſummary Proceſſe in a civill Court, nay, Sir, it is accompanyed ſometimes with an intimation that no man ſhall buy or ſell with the perſon excommunicated, nor ſet him a worke, nor doe any civill or naturall offices unto him. As wee had a complaint brought in this *Parliament*, of a Sonne that was excommunicated onely for repeating a Sermon to his father, being an excommunicate perſon. Now Sir, for the ends for which this cenſure is executed, they are ordinarily to fetch in fees, or at the beſt to bring men under Canonicall obedience, which is the *Ordinaries* will and pleaſure, and I have ſometimes ſeene a *Miniſter* pronounce an *Excommunication*, which he held in one hand, and preſently after the abſolution which he held in the other, ſo the end of the excommunication was the abſolution, and the end of that was fees: (Sir) for the honour of God, for the honour of our nationall Church, and for the honour of the Chriſtian Religion, let the high and great cenſure of the Church no longer lackey after fees, let not

Chriſtians

Christians any longer be cast to Sathan, in the name of *Jesus Christ*, for the non payment of a groat. And now Sir, we may imagine what effects are like to follow upon such premises, the great and dreadfull censure of Excommunication is thereby made contemptible, and were it not for the civill restraints, and penalties that follow upon it, no man would purchase an absolution, though he may have it for a halfe-peny. And I have heard of some that have thanked the Ordinaries for abating or remitting the fees of the Courts; but I never heard of any that thanked them, for reclaiming their soules to repentance, by their Excommunications; (Sir) for absolution, it is relative to excommunication, and so labours of the same diseases; onely one thing I shall particularly note concerning absolution, (Sir) it is called commutation of penance, but indeed it is a destruction of the Ordinance, making it voyd, and of none effect, and surely God never set his Ministers to sell indulgences in his Church. The oath that is to precede absolution, *de parenda juri ecclesiæ, & stando &c.* hath already beene sufficiently spoken unto, in the debate about the Canons, and therefore there will bee no need of speaking more to that. Now Sir, I am come to my last head, wherein I shall be very briefe; and that is concerning the evills that arise out of the benefices and dignities of the Clergy, the common cause being from the inequality of the distribution of them, much resembling a disease very ordinary at this time amongst Children, which they call the Rickets, wherein the nourishment goeth all to the upper parts, which are over-great and monstrous, and the lower parts pine away: and so it is in the Clergy, some are so poore, that they cannot attend their Ministery, but are faine to keepe schooles, nay, Ale-houses some of them; and some others are so stately, they will not attend their Ministery, and so between them the flock starves: but

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our evills have more especially proceeded from the excessive worldly wealth, and dignities of one part of the Clergie, I meane such as either are in possession, or in hopes of Bishopricks, for these great places of profit and honour, first, have beene the baites of ambition, and then they became the apples of contention, and last of all, the seeds of superstition, the one being a step and degree unto the other, and all of them leading in the end to the corruption, (that I may not say subversion) of our Religion. Sir, they are first the baites of ambition, and I know not by what secret cause, but experience sheweth us, that when Clergy men have once tasted the sweet of worldly wealth and honours, they are more eager and ambitious after them than any other sort of men; hereupon other godly Ministers, that live more according to the simplicity of the Gospell, and the example of *Christ* and his Apostles, cannot but beare witnesse against their worldly pomp and dignities, and so the fire of contention breaketh forth. And truely (Sir) the state of the Clergy *is* very like to fire, which whilst it keeps in the Chimney, it is of excellent use to warme those that approach unto it, but if it once breake out into the house, and get upon the house top, it sets all on fire: so whilst the Clergy keepe themselves within the pulpit, they are of great use to stirre up the zeale and devotion of Christians, but if they once flye out into the house, if they begin to meddle with Civill places and jurisdictions, and especially if they once get up to the Counsell-table, it is seldome seene, but that at length they set all on fire; and what is it that maketh the fire to breake out of the chimney, but too much fuell? if there be but a moderate proportion of fuell, the fire keepes it selfe within its bounds, but if you heape faggot upon faggot, a whole Cart load together, then it breaketh out: (So Sir) if there bee a competent maintenance for the Ministery, they will

keep themselves within their bounds, but if Living be heaped upon Living, and Temporalities added to Spiritualities, the flame will soone breake out, and set the house on fire. (Sir) I doe not envy the wealth or greatnesse of the Clergy, but I am very confident, if those were lesse, they would be better, and doe more service to *Christ* and his *Church*; and I am very clear in mine owne heart, that the livings of the Clergy being more equally distributed, the service of God would be so farre from receiving any prejudice, that it would bee much advanced, and withall a good proportion of revenue might returne againe to the Crowne, from whence it was first derived. (Sir) *Bishopricks, Deanries, and Chapiters, are like to great wasters in a Wood, they make no proofe themselves, they cumber the ground whereon they stand, and with their great Armes and Boughes stretched forth on every side, partly by their shade, and partly by their sowre droppings, they hinder all the young wood under them from growing and thriving.* To speake plaine English, these Bishops, Deanes, and Chapiters, doe little good themselves by preaching, or otherwise; and if they were felled, a great deale of good timber might be cut out of them, for the uses of the Church, and Kingdome at this time. A fresh stoole of three or foure able Ministers might spring up in their stead to very good purpose in those great Townes, which are Ordinarily the Seats of those Episcopall, and Collegiate Churches, and the private Congregations of divers Parochiall Churches might thrive and grow better, which now have the Sunne of Gods Word, I meane the cleare and spirituall preaching thereof kept from them, and live in the dangerous shade of ignorance, by reason that all the meanes is taken from them, and appropriated unto Bishops, or to Deanries, and Chapiters, and other such Collegiate Churches. Besides, such as doe begin to grow and start up through the voluntary pains

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of ſome amongſt them, or by ſuch preaching as they themſelves have procured by their voluntary contributions, ſhould not ſtill bee dropped on as they are, from the armes and appendances of thoſe great waſters, and kept downe continually by their bitter perſecutions. That which remaines now, is to ſhew how theſe great Revenues and Dignities, become the ſeedes of ſuperſtition, and that is this: *The Clergy in the maintenance of their greatneſſe, which they are neither willing to forgoe, nor yet well able to maintaine upon the principles of the Reformed Religion, finding that the popiſh principles, wherewn the Biſhop of* Rome *built his greatneſſe, to ſuit well unto their ends, that maketh them to ſide with that party, and that muſt needs bring in ſuperſtition: and as ambition alureth on the one ſide, ſo the principles they goe by, draw them on further and further, and happily at length farther than they themſelves at firſt intended.* Whether a reconciliation with *Rome*, were imagined or no by ſome, I leave it to every one to judge within himſelfe: But ſure I am, if an accommodation could have beene made in ſome faſhion or other, with the Church of *Rome*, the Clergy might againe be capable of forraigne preferments, and *Cardinals* Caps, and this is no ſmall temptation. Now Sir, I am at an end, onely I ſhall draw out three concluſions, which I conceive may clearely be collected out of what I have ſaid. *Firſt, that civill juriſdiction in the perſons of Clergy-men, together with their great Revenues, and high places of dignity, is one great cauſe of the evills which we ſuffer in matter of Religion. Secondly, that the ſole and arbitrary power of Biſhops in the ordaining and depriving of Miniſters, and in Excommunication, and abſolution, is another great cauſe of the evills we ſuffer in matter of Religion. Thirdly, the ſtrict urging of Subſcription, and Conformity to the Ceremonies, and Canons of the Church is another great cauſe of evill, which wee ſuffer in matter of Religion.*

And now my humble motion is, that we ſhould take a piece onely of this ſubject into our conſideration, but the whole matter, and that not onely that part of the Miniſters Remonſtrance, which hath beene read, ſhould be referred to the Committee which you are about to name, but *Londons* Petition alſo, and all other Petitions of the like nature, ſo ſoone as they ſhall bee read in the houſe, and that the Committee may collect out of them all ſuch heads as are fit for the conſideration of this houſe, and ſurely that is fit to bee conſidered, that happily will not be thought fit to be altered: conſideration is one thing, and alteration another: where there is a mixture of bad and good together, the whole muſt bee conſidered, that we may know how to ſever the good from the bad, and ſo retaine the one, and reject the other, which is all that I deſire. And if any thing have fallen from me more inconſiderate (as in ſo long a diſcourſe many things may have done) I humbly crave the pardon of the houſe, proteſting that I have ſpoken nothing but with a minde which is ready to ſacrifice the body it dwelleth in, to the peace and ſafety of his Majeſties Kingdomes, and the ſafety and honour of his Majeſty in the Government of them.

A Speech made before the Lords in the Upper House; by Mr. *Francis Rous* Esquire; *March* the 16th. 1640.

Against Dr. Cossens, *Dr.* Maynwaring, *and Dr.* Beale.

My LORDS,

I AM commanded by the House of *Commons* to present to your Lordships a Declaration and Impeachment against Dr. *Cossens*, and others, upon the complaint of Mr. *Peter Smart*; which Mr. *Smart* was a *Proto-Martyr*, or, first Confessor of note in the late dayes of persecution. The whole matter is a Tree, whereof the branches and fruit are manifest in the Articles of this declaration; which being read, I shall with your Lordships favour discover and lay open the root.

The Declaration was read, and then He proceeded thus:

My Lords,

I AM now to discover the root of Mr. *Sowers* Persecution.

Your *Lordships* have heard of a great Designe to bring in Popery; you have heard of Armies of Souldiers, and particularly of the Popish Irish Armie, the burthen and Complaint of the Commons. But there is another Army not so much spoken of, and that is an Army of Priests: for since Altars came in (so they delight to be called,) it is a saying of *Gregory* the Great, that when Antichrist comes, *Praparatus est exercitus Sacerdotum: There is an Armie of Priests ready to receive him:* this is fulfilled in our time; for certainty this Army of Priests doth many wayes advance the designe and plot of *Popery*. A first is by the subversion of our Lawes, and Government: our *Lawes* and *Popery* cannot stand together; but either *Popery* must overthrow our *Lawes*, or our *Lawes* must overthrow *Popery*: but to overthrow our *Lawes* they must overthrow *Parliaments*; and to overthrow Parliaments, they must overthrow property; thy must bring the Subjects goods to be arbitrarily disposed, that so there may bee no need of *Parliament*; this hath bin done by Dr. *Manwaring*, (whom we finde wanting yet not in the seats, but in the Bar of the *Lords house*) and the like by Dr. *Beale*: and I think it was the intention of the late Canons.

A second way, by which this Army of Priests advanceth the *Popish* Designe, is the way of Treatie. This hath bin acted both by writings & conference: *Sancta Clara* himselfe saith, *Doctissimi eorum quibuscunque egi*; so it seems they have had conferences together: And *Sancta Clara* on his part, labours to bring the Articles of our Church to *Popery*; and some of our side strive to meete him in that way; we have a testimony that the great

Arch-Priest

Arch-Priest himself hath said: *It were no hard matter to make a reconciliation, if a wise man had the handling of it.* But I verily beleeve, that as the state of *Papacie* stands, a farre wiser man than hee cannot reconcile Us, without the losse of our Religion. For the *Pope* being fastned to his Errors, even by his Chaire of Infallibility, hee sits still unmoved, and so wee cannot meete, except we come wholly to him. A man standing in a Boat tyed to a Rocke, when he drawes the Rope, doth not draw the Rocke to the Boat, but the Boat to the Rock. And *Sancta Clara* doth (in this somewhat honestly) confesse it: for he saith that he dealt in this way of Treatie, not to draw the *Church* to the Protestants; but the Protestants to the *Church*.

A third way is a way of violence, this violence they exercise partly by Secular *Armes*, and partly by Priestly *Armes*, which they call Spirituall: for Secular *Armes* we have their owne confession, that the late warre was *Bellum Episcopale*; and we have the Papists confession, that it was *Bellum Papale*; for in their motives, they say, *That the warre concerned them not onely as subjects, but as Catholikes*, for so they falsely call themselves: and if it be so, then *Bellum Episcopale*, is also *Bellum Papale*: in the *Episcopall* Warre, the *Papall* cause is advanced: For the Spirituall *Armes*, thus they come to execution.

When a great Man is comming, his Sumpters, his Furniture, his Provisions goe before: the *Popes* Furniture, *Altars* and *Copes*, *Pictures* and *Images* are come before; (and if wee beleeve Dr. *Cossens*) the very substance of the *Masse*; a certaine signe that the *Pope* was not farre off. Now these fore-runners being come, if any man resist them, Fire comes out of the Brambles, and devoures the Cedars of Lebanon: the *Army* of the *Priests* falls upon him with their *Armes* of Suspension, Sequestration, Excommunication,

Degrada-

Degradation, and Deprivation. And by these *Armes* hath Mr. *Smart* beene oppressed and undone. Hee falls upon their Superstitions, and Innovations, and they fall upon him with their *Armes*, they beate him down, yea they pull him up by the rootes, taking away all his meanes of maintenance and living; yet they leave him life to feele his miseries: *Ita feriunt, ut diu se sentiat mori*; there is no cruelty to Priestly cruelty; these are they that did put our very Saviour to death: the *Calling* is Reverend, but the Corruption of it most pernicious; *Corruptio optimi pessima*: I know no reason of this change, except it be that of the Apostle: *Because when they knew God, they did not worship him as God*, but made a God of the World, placing the excellency of *Priesthood* in worldly pompe and greatnesse, and gave the glory of the invisible God, to *Pictures*, *Images*, and *Altars*: therefore God gave them up to vile affections, to be implacable, unmercifull, and without naturall affection. But whatsoever the cause is of their Corruption; certainly their *Armes* have fallen heavily upon Mr. *Smart*, and *Priestly* cruelty hath cast him into a long misery, from which he could get no release by any *Priestly* mercy.

And now it is prayed, *that as these Delinquents by the cruell oppressions of Mr.* Smart *have advanced the Cause of* Popery, *so they may in such a degree of Justice bee punished, that in them* Priestly *cruelty, and the very cause of* Popery *may appeare to be punished and suppressed, and that Mr.* Smart *suffering for the Cause of* Protestancy *may bee so repaired, that in him pious Constancy, and the very Cause of* Protestancy *may appeare to be righted and repaired.*

The

A second Speech of the Honorable NATHANAEL FIENNES (second Son to the right Honourable the Lord *Say*) touching the Subjects Liberty against the late Canons and the new Oath.

Mr. Speaker,

NOW that we are about to brand these Canons in respect of the matter contained in them, it is the proper time to open the foulenesse thereof: and though much of this hath beene anticipated in the generall debate, yet if any thing hath beene omitted, or if any thing may bee further cleared in that kinde, it is for the service of the House, that it should now be done.

Sir I conceive these Canons doe containe sundry matters, which are not onely contrary to the Lawes of this Land, but also destructive of the very principall and fundamentall Lawes of this Kingdome. I shall begin with the first Canon, wherein the framers of these Canons have assumed unto themselves a Parlia-

mentary power, and that too in a very high degree, for they have taken upon them to define what is the power of the King, what the liberty of the Subjects, and what propriety they have in their goods. If this bee not proper to a Parliament, I know not what is. Nay it is the highest matter that can fall under the consideration of a Parliament, and such a poynt as wherein they would have walked with more tendernesse and circumspection than these bold Divines have done. And surely, as this was an act of such presumption as no age can parallell: so is it of such dangerous consequence as nothing can be more. For they have not onely take upon them to determine matters of this nature, but also under great penalties, forbid all Parsons, Vicars, Curates, Readers in Divinity, &c. to speake any other wayes of them then as they had defined, by which meanes having seised upon all the Conduites, whereby knowledge is conveyed to the people, how easie would it bee for them in time, to undermine the Kings Prerogative, and to suppresse the Subjects liberty, or both.

And now (Sir) I beseech you to consider how they have defined this high and great poynt: they have dealt with us in matter of Divinity, as the Judges had done before in matter of Law: they first tooke upon them to determine a matter that belonged not to their Judicature, but onely to the Parliament, and after by their judgement they overthrew our propriety, and just so have these Divines dealt with us: they tell us that Kings are an Ordinance of God, of *Divine Right*, and founded in the prime Lawes of Nature, from whence it will follow that all other formes of government, as *Aristocracie*, and *Democracie*, are wicked formes of government, contrary to the Ordinance of God, and the Prime Lawes of Nature, which is such new Divinitie as

never read in any Booke, but in this new Booke of Canons.

Mr. Speaker, We all know that Kings, and States, and Iudges, and all Magistrates are the Ordinances of God, but (Sir) give me leave to say they were the Ordinances of men, before they were the Ordinances of God. I know I am upon a great and high point, but I speake by as great and as high a warrant, if St. *Peters* chaire cannot erre (as St. *Peters* Epistles cannot) thus he teacheth us, *Submit your selfe to every Ordinance of man for the Lords sake, whether it bee to the King as supreame, or to the Governour, as to him that is sent by him, &c.*

(Sir) It is worthy noting, that they are Ordinances of men, but that they are to be submitted unto for the Lords sake, and truely their power is as ioth, and their subjects allegeance as due unto them, though we suppose them to bee first ordinances of men, and then confirmed, and established by Gods Ordinance, as if wee suppose them to bee immediate Ordinances of God, and so received by men. But there was somewhat in it, that those Divines aimed at, I suppose it was this. If Kings were of *Divine Right*, as the Office of a Pastor in the Church, or founded in the prime Lawes of Nature, as the power of a Father in a Family; then it would certainly follow, that they should receive the fashion and manner of their government, onely from the Prescript of Gods Word, or of the Lawes of Nature, and consequently, if there bee no Text, neither of the *Old* nor *New Testament*, nor yet any Law of Nature, that Kings may not make Lawes without *Parliament*, they may make Lawes without *Parliament*, and if neither in the Scripture, nor in the Law of Nature, Kings beforbidden to lay taxes, or any kind of impositions upon their people without consent in Parliament, they may doe it out of Parlia-

ment? and that this was their meaning, they expresse it after in plaine termes, for they say that Subsidies and taxes, and all manner of ayds are due unto Kings by the Law of God, and of Nature. (Sir) if they bee due by the Law of God and of Nature, they are due, though there be no act of Parliament for them: nay (Sir) if they bee due by such a right, a hundred acts of Parliaments cannot take them away, or make them undue. And (Sir) that they meant it of Subsidies and aids taken without consent in Parliament, is clearely that addition that they subjoyne unto it, that this doth not take away from the Subject the propriety hee hath in his goods, for had they spoken of Subsidies and aydes given by consent in *Parliament*, this would have been a very ridiculous addition, for who ever made any question, whether the giving Subsidies in Parliament did take away from the Subject the propriety hee hath in his goods, when as it doth evidently imply they have a propriety in their goods? for they could not give unlesse they had something to give: but because that was alledged as a chiefe reason against Ship-monyes, and other such illegall payments levied upon the people, without their consent in Parliament, that it did deprive them of their right of propriety, which they have in their goods, these *Divines* would seem to make some answer thereunto, but in truth their answer is nothing else but the bare assertion of a contradiction, and it is an easie thing to say a contradiction, but impossible to reconcile it; for certainely if it bee a true rule (as it is most true) *quod meum est sine consensu meo, non potest auferri meum*; to take my goods without my consent must needes destroy my propriety. Another thing in this first Canon, wherein they have assumed unto themselves a *Parliamentaria* power, is in that they take upon them to define what is Treason, besides what is determined in the statute of Treasons.

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They say, to set up any coactive independent power is treasonable both against God and the King, the question is not whether it bee true they say or no, but whether they have power to say what is Treason, and what not? But now (Sir) that I am upon this point, *I would gladly know what kinde of power that is, which is exercised by Arch-Bishops, Bishops, Deanes, Arch-Deacons, &c.* Coactive certainely it is, all the Kingdome feeles the lash thereof, and it must needs bee independant; if it be *jure Divino*, as they hold it, for they doe not meane by an independant power, such a power as doth not depend on GOD. Besides, if their power be dependant, of whom is it dependant? not of the King, for the Law acknowledgeth no way whereby Ecclesiasticall jurisdiction can bee derived from his Majestie, but by his Commission under the great Seale, which as I am informed, they have not: *I speake not of the High Commission, but of that jurisdiction which they exercise in their Archiepiscopall, Episcopall, Archidiaconall Courts, &c. and therefore if their owne sentence bee just, wee know what they are, and what they have pronounced against themselves.* But (Sir) it were worth knowing what they aimed at in that independent coactive power, which they terme popular. *I will not take upon me to unfold their meaning, but wee know Doctor Beale had a hand in the making of these Canons, and if wee apply his Paraphrase to the Text, it may give us some clearenesse.* I remember amongst other notes of his this was one, that he did acknowledge the Kings Supremacy, but would joyne unto him an assistant (*viz.*) the people, meaning this House, which being the representative body of the COMMONS of *England*, and claiming, as it is so, a share in the Legislative power, Doctor *Beale* calleth this a joyning of an assistant to the King, in whom only hee placeth the power of making Lawes, and that's

is but of grace, that he assumeth either the Lords, or Commons for the making of Lawes with him. Now (Sir) the *Legislative* power is the greatest power, and therefore coactive, and it is the highest power, and therefore independent, and if every Estate for the proportion it hath therein, should not have such a power, it should not have it of right, as founded in the Fabricke and frame of the policy and government, but of Grace, or by Commission, as Dr. *Beale* affirmeth. I have done with the first Canon, onely I shall adde this, that considering the principles and positions that are laid downe therein, and comparing them with a clause towards the end of the Canon, that in no case imaginable it is lawfull for subjects to defend themselves, we may judge how farre forth these Canons were to prepare mens mindes for the force that was to follow after; if the accusation against my Lord of *Strafford* bee layed aright. For the matter it selfe, I hope there will never be any need to dispute that question, and I doe beleeve they had as little need, to have published that position, had it not beene upon designe. As for the second Canon, therein also they have assumed to themselves a Parliamentary power, in taking upon them, to appoynt Holidayes, whereas the statute saith in expresse words, that such dayes shall bee onely kept as Holydayes as are named in the Statute, and no other. and therefore though the thing may be *bonum*, yet it was not done *bene*, because not ordained by Parliament, notwithstanding what hath beene alledged to the contrary: it seemeth to mee to bee the appoynting of an Holy-day, to set a time a part for Divine service, and to force men under penalties to leave their labours, and businesse, and to be present at it. And of the same nature is that other clause, in the same Canon, wherein they take upon them without *Parliament*, to lay a charge upon the people, enjoyning two Bodies at least for that

day;

day, to be bought at the charge of the parish; for by the same right, that they may lay a penny on the Parish without *Parliament*, they may lay a pound or any greater summe.

As to the third Canon, I shall passe it over, onely the observation that my neighbour of the long Robe made upon it, seemes unto me so good, as that it is worth the repeating, that whereas in the Canon against Sectaries there is an especiall *proviso*, that it shall not derogate from any Statute, or Law made against them (as if their Canons had any power to disanull an act of Parliament) there is no such *proviso* in this Canon against Papists, from whence it may bee probably conjectured, that they might have drawne some colour of exemption from the penall Lawes established against them from this Canon, because it might seeme hard that they should be doubly punished for the same thing, as wee know in the poynt of absence from the Church; the Law provideth, that if any man be first punished by the Ordinary, he shall not be punished againe by the Iustices.

For the fourth Canon against *Socinianisme*, therein also these Canon-makers have assumed to themselves, a Parliament power, in determining an Heresie not determined by Law, which is expressely reserved to the determination of a Parliament. *It is true, they say it is a complication of many heresies, condemned in the four first Councells, but they doe not say what those Heresies are, and it is not possible that Socinianisme should bee formally condemned in these Councells, for it is sprung up but of late:* Therefore they have taken upon them, to determine and damne a Heresie, and that so generally, as that it may bee of very dangerous consequence, for condemning *Socinianisme* for an heresie, and not declaring what is *Socinianisme*, it is left to their breasts whom they will judge and call a *Socinian*. I would not

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have any thing that I have said to be interpreted, as if I had spoken it in favour of *Socinianisme*, which (if it be such as I apprehend it to be) is indeed a most vile and damnable heresie, and therefore the framers of these Canons, are the more to blame in the next Canon against Sectaries, wherein besides that in the preamble thereof, they lay it downe for a certaine ground, which the holy Synod knew full well, that other Sects (*which they extend not onely to Brownists and Separatists, but also to all persons, that for the space of a month, doe absent themselves without a reasonable cause, from their owne parish Churches*) doe equally endeavour the subversion of the Discipline and Doctrine of the Church of *England* with the Papists, although the worst of them doe not beare any proportion, in that respect to the Papists, I say besides that they make them equall in crime and punishment to the Papists, notwithstanding the great disproportion of their Tenents; there is another passage in this Canon relative to that against *Socinianisme*, which I shall especially offer to your consideration, and that is this. *If a Gentleman comming from beyond Seas should happen to bring over with him a Booke contrary to the Discipline of the Church of England, or should give such a Booke to his friend, nay if any man should write, or maintaine an opinion contrary thereunto, though it were but in Parliament, if hee thought it fit to be uttered, by this Canon he is excommunicated ipso facto, and lyeth under the same consideration, and is liable to the same punishment, as if he had maintained an opinion against the Deity of Christ, and of the Holy Ghost, and of our Justification by the satisfaction of Christ.*

(Sir) if in things that are in their owne Nature indifferent, if in things disputable it shall bee as hainous to abett or maintaine an opinion, as in the most horrible and monstrous heresies, that can be imagined, what liberty is left to us as Christians? What liberty is left

to

to us as men? I proceed to the sixt Canon, wherein these *Canonists* have assumed to themselves a Parliamentary power, and that in a very high degree, in that they have taken upon them to impose new Oathes upon the Kings Subjects. (Sir) under favour, of what hath beene alleaged to the contrary, to impose an Oath, if it be not an higher power, then to make a Law, it is a power of making a Law of most high Nature, and of higher and farther consequence then any other Law, and I should much rather chuse that the Convocation should have a power to make Lawes, to binde my person, and my estate, then that they should have a power to make Oathes to binde my Conscience: a Law bindes me no longer than till another Law bee made to alter it, but my Oath bindes mee as long as I live.

Againe, a *Law bindes me either to obedience, or to undergoe the penalty inflicted by the Law, but my Oath bindes mee absolutely to obedience.* And lastly, *a Law bindes me no longer than I am in the Land, or at the farthest no longer than I am a member of the State, wherein and whereby the Law is made, but my Oath once being taken doth binde mee in all places, and in all conditions so long as I live.* Thus much I thought good to speake, concerning the power of imposing new Oathes: as to the matter of this new Oath, it is wholly illegall: *It is against the Law of this Land, it is against the Law and light of Nature, it is against the Law of God, it is against the Lawes of this Kingdome, and that in obscure Lawes, nor concerning any meane or petty matters. It is against the Law of the Kings Supremacy, in that it maketh Arch-bishops, Bishops, Deanes, Arch-Deacons, &c. to bee jure Divino, whereas the Law of this Land hath annexed to the Imperiall Crowne of this Realme, not onely all Ecclesiasticall Jurisdiction, but also all Superiorities over the Ecclesiasticall State, and*

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it is to bee derived from him by Commission under the Great Seale, and consequently it is Jure humano. Again, it is against the Oath of Supremacy, established by Law point blanke, for therein I am sworne not onely to consent unto, but also to assist, and to the uttermost of my power, to defend all Iurisdictions, Prehemineuces, &c. annexed to the Imperiall Crowne of this Realme, of which this is one, (and that which immediately preceedeth this Oath in the Statute, and whereunto it doth especially relate) *That his Majesty may exercise any Iurisdictions, or Ecclesiasticall Government by his Commission under the great Seale directed to such persons, as he shall thinke meet, so that if he shall thinke other persons more meet, then Arch-bishops, Bishops, &c.* I am sworne in the Oath of *Supremacy* not onely to assent thereunto, but to assist, and to the uttermost of my power to defend such an appoyntment of his Majesty, and in this new Oath I shall swear never to consent unto such an alteration.

In the like manner it is against the Law and Light of Nature, that a man should sweare to answer (*&c.*) to he knowes not what. It is against the Law and light of Nature, that a man should sweare never to consent, to alter a thing that in its owne nature is alterable, and may prove inconvenient, and fit to bee altered. Lastly, it is against the Law of God: for whereas there are three rules prescribed to him that will sweare aright, that he *sweare in Iudgement, in Truth, and righteousnesse*: hee that shall take this new Oath, must needs breake all these three Rules. *He cannot sweare in Iudgement, because this Oath is so full of ambiguities, that he cannot tell what he sweares unto; not to speak of the unextricable ambiguity of the &c.* There is scarce one word that is not ambiguous in the principall parts of the Oath, as first, *What is meant by the Church of England, whether all the Christians in England, or*

whether

whether the Clergie onely, or onely the Arch-Bishops, Bishops, Deanes, &c. Or whether the Convocation, or what? In like manner it is as doubtfull what is meant by the Discipline, and what by the *Doctrine of the Church of England*, for what some call *Superstitious Innovations*, if others affirme to be consonant to the *Primitive*, and that the pureſt Reformation in the time of *Edward the 6.* and in the beginning of the Reigne of Queene *Elizabeth*: and ſo for the Doctrine of the Church of *England*; if all *the Poſitions* that of later yeares have beene challenged by ſome of Divines to bee *Arminian* and *Popiſh*, *and contrary to the Articles of our Religion*, and which on the other ſide have beene aſſerted and maintained as *conſonant to the Doctrine of our Church*, *and if the Articles of Religion were gathered together, they might make a pretty volume:* Nay, *Sancta Clara* will maintaine it in deſpight of the *Puritanes*, *that the Doctrine of the Church of* Rome, *is the Doctrine of the Church of* England. Truely it were very fit that wee knew, *what were the Doctrine and Diſcipline of the Church of* England *before we ſweare to it*, and then (Sir) give me leave to ſay, *that I ſhould be very loath to ſweare to the Diſcipline, or to the Doctrine and Tenents of the pureſt Church in the World, as they are collected by them, further than they agree with the Holy Scriptures.*

Laſtly, it is as doubtfull what is meant, by the *Doctrine* and *Diſcipline* eſtabliſhed, and what by altering & conſenting to alter, whether that is accompted, or eſtabliſhed, which is eſtabliſhed by an Act of *Parliamẽt, or whether that alſo that is eſtabliſhed by Canons, Injunctions, &c. and whether it ſhall not extend to that which is publiſhed by our Divines with the allowance of authority*, &c. ſo for conſenting to alter, whether it be only meant, that a man ſhall not bee active in altering, or whether it extendeth to any conſent, and ſo that a man ſhall not

submit to it, nor accept of it, being altered by the State.

More ambiguities might be shewne, but these are enough to make it cleare, *that hee that shall take this Oath cannot sweare in Judgement.* Nor can he sweare in *Truth*, for it is full of *untruths*. It is not true, *that Discipline is necessary to salvation.* It is not true, *that Arch-Bishops, Bishops, Deanes, Arch-Deacons, &c. are* jure Divino, *as they must needs bee, if the Law-makers ought of right to establish them, as they are established: for the Law-makers are not bound as of right, to frame their Lawes to any other than the Lawes of God alone.* Now whether Bishops be *jure Divino*, we know it is a dispute among the Papists, and never did any *Protestant* hold it till of late yeares, *but that Arch-Bishops, Deanes, Arch-Deacons, &c. should be* jure Divino, *I doe not know that ever any Christian held it before*, and yet he that taketh this Oath must sweare it. Lastly, as hee that taketh this Oath cannot sweare in *Judgement* nor in *Truth*, so neither can hee sweare in *Righteousnesse*, for it is full of *unrighteousnesse*, being indeed, as hath beene well opened, a Covenant in effect against the King and Kingdome; for if the whole *State* should finde it necessary to alter the Government by Arch-Bishops, Bishops, &c. a great part of the Kingdome, especially of the Gentry, (for not onely the Clergy, but all that take Degrees in the *Universities* are bound to take it) will be preingaged not to consent to it, or admit of it. Againe it is a great wrong to those that shall bee Parliament-men, that their freedome shall be taken away being bound up by an Oath, not to consent to the altering of a thing, which it may be fit and proper for a Parliament to alter. And suppose that for the present it bee no hinderance to the service of God, nor yet burdensome to the King and Kingdome, yet if it should prove so hereafter, for

a man

a man to bee bound by an Oath never to consent to alter it, may bee a great wrong to God in his service, and to the King and Kingdome in their peace and welfare, and therefore this Oath cannot be taken in *Righteousnesse*. For the other Oath *de parendo juri Ecclesiæ, & stando mandatis Ecclesiæ*, though it make lesse noyse than the other, yet it is not of lesse dangerous consequence. *If I remember well the Storie, this was the Oath that the Pope made King* John *to take, and when hee had sworne* stare mandatis Ecclesiæ, *the Pope commanded him to resigne his Kingdome to him, and truely bee hee Gentleman or Nobleman, or what ever else, when hee hath once put his necke into this nouse, his Ghostly Fathers may drag him whether they will, for they have the quantity and the quality of the penance in their owne breast, and if they shal enjoyne him to give any summe towards the building of a Church, or the adorning of a Chappell, he must pay it; or if they should enjoyne him any servile or base action (as there are not wanting examples of that kinde in the time of Popery) they are sworne* stare mandatis Ecclesiæ, *and so cannot recede, but must performe it.* Nay, I dare not warrant any man from the rods of *Henry* the second, or of *Raymond* of *Tholouze*; what hath beene done may bee done, I am sure the power is the same. And that other Oath also (though more usuall in practise; and more confirmed by these new *Canons*) which is administred to Church-wardens, would bee looked into. For it is hardly possible for them that take it not to be forsworne, being they sweare to so many particulars, *that they cannot minde, and to some that they cannot understand*, as how many Church-wardens are there in *England*, that understand what *Socinianisme* is, in case they be sworne, to present the offenders against that Canon, which concernes that matter. I shall only adde a word or two concerning two Canons more, which seeme to be Canons of Reformation.

The first is, concerning *Excommunication*, to bee pronounced onely by a *Divine*, wherein it is alledged for the framers of these Canons, that if they have not more Law on their sides, yet they may seeme to have more reason. *For my part, as in all other things, I thinke they have so mended the matter that they have made it far worse, for before that which was found fault with was this, that a Lay-man did that which the grave Divine should have done, and now the grave Divine must doe what ever the Lay-man would have done, for the* cognisance *of the cause, and the power of Iudicature is wholly in the Lay-man, onely the grave Divine is to be his servant, to execute his sentences, and hath such a kinde of managing the spirituall sword allowed onely unto him as the Papists in some cases were wont to afford unto the civill Magistrate, in respect of the Temporall sword, for as if the Civill sword by an implicite Faith had been pinned to the Lawn-sleeves, they condemned men of Heresie, and then delivered them over to the Secular power: but what to doe?* Not to have any *cognisance* of the cause, nor to exercise any power of judicature, but onely to be their executioners, and to burne the Heretick whom they had condemned, and so they judged men excommunicate, and then the Civill power was to send out Writs *de excommunicato capiendo* against them, but one said well, that the sword without *cognisance* of the cause, and judgement, was like *Polyphemus* without his eye, it became violence and fury. But being accompanyed with the eye of judgement, it is equity and justice: and surely where the Spirituall or Civill Governour is called upon to strike, hee must be allowed to see and judge whom and wherefore he strikes, otherwise he will be able to give but an ill accompt to God, of the managing of the sword wherewith he is instructed.

The other Canon is the last Canon against vexatious Citations, wherein they seeme to have some sence of the

the great grievances that poore people lye under; by occasion of vexatious citations, and molestations in *Ecclesiasticall Courts*, and I verily believe, that there is not a greater oppression in the whole Kingdome upon the poorer sort of people, then that which proceedeth out of these *Courts*. But now (Sir) let us see what provision they have made against it by this Canon. They say because great grievances may fall upon people by citations upon pretence onely, of the breach of that Law without any presentment, or any other just ground, that no citations grounded onely as aforesaid, shall issue out, except it be under the hand and Seale of the *Chancellour*, *Commissarie*, *Arch-Deacon*, or other competent Judge, so that (if there be any sence in these words) though there be no presentment at all, nor any other just ground, yet a citation may issue out, so it be under the hand and Seale of the *Chancellour*, *Commissary*, or other competent Judge, and the partie shall not be discharged without paying his fees, nor have any reliefe by this Canon. But suppose the *Citation* be not under the hand and Seale of any competent Iudge, and that there was neither presentment nor any just ground for it, shall he then bee dismissed without paying any fees? No, unlesse first contrary to the Law of Nature, there being no presentment, nor just ground of accusation against him, he shall by his Oath purge himselfe of pretended breaches of Law, and then too hee shall onely have the fees of the Court remitted, but shall have no satisfaction for his troublesome and chargeable journey, and for the losse of his time, and being drawne away from his affaires. Nay, lest they should seeme to have beene too liberall of their favour, they adde a *proviso* in the close of the Canon, that this grace of theirs shall not extend to any grievous crime, as *Schisme*, *Incontinency*, misbehaviour in the Church, or dissolute inconformity. And what do

they

[illegible] doe [illegible] when the Lessons are reading. In like manner what doe they call obstinate inconformity? If a man will not thinke what they would have him thinke, if a man will not say what they would have him say, if a man will not sweare what they would have him sweare, if a man will not read what they would have him read, if a man wil not preach what they would have him preach, if a man will not pray what they would have him pray; In short, if a man will not doe what ever they would have him doe, then hee is an inconformist, and after that they have duely admonished him, *primo, secundo, tertio*, all in one breath, then hee is contumacious, then he is an obstinate Inconformist.

Now (Sir) my humble motion is, that in consideration of all the premisses, and what besides hath beene well laid open by others; wee should proceed to dam these Canons, not onely as contrary to the Lawes of the Land, but also as containing sundry matters, destructive of the rights of Parliament, and of the fundamentall and other principall Lawes of this Kingdome, and otherwise of very dangerous consequence.

The

The Lord *Digby's* Speech to the House of Commons, concerning Bishops, and the City petition, the 9. of *February*. 1640.

Mr. Speaker,

I Know it is a tender subject I am to speake of, wherein I beleeve some within these Walls are engaged with earnestnesse in contrary opinions to mine; and therefore it will be necessary, that in the first place I beseech the patience of this House, that they will bee pleased to heare mee without interruption: though somewhat I say should chance to be displeasing, I hope there will be somewhat from mee ere I conclude, that may be of Service to this House.

Sir, if I thought there were no further designe in the desires of some, that this *London Petition* should be committed, then meerely to make use of it, as an *Index* of grievance: I should winke at the faults of it, and not much oppose it.

There is no man within these walls, more sensible of the heavy grievance of Church government, *then my Selfe; nor whose affections are keene to the clipping of those wings of the* Prelates, *whereby they have mounted to such insolencies, nor whose zeale is more ardent to the searing them, as that they may never spring againe.*

But having reason to beleeve that some aime at a totall extirpation of Bishops, *which is against my heart, and that the committing of this* Petition, *may give countenance to that Designe, I cannot restraine my selfe from laboring*

to divert it, or at least to set such notes upon *it, as may make it ineffectuall to that end.*

Truely, Sir, when this *Petition* was first brought into the *House*, I considered it in its nature, in the manner of the delivery in the present conjuncture of affaires, both *Ecclesiasticall* and *Civill*, to bee a thing of the highest Consequence that any Age hath presented to a *Parliament*; and the same thoughts I have of it still.

I professe, I looked upon it then with *terrour*, as upon a Comet or blazing starre, raysed and kindled out of the stench, out of the poysonous exhalation of a corrupted *Hierarchy*: Mee thought the Comet had a terrible Tayle with it, Sir, and poynted to the *North*, the same feares dwell with mee still concerning it, (*and I beseech God they may not prove Prophetically*;) I feare all the *Prudence*, all the *Fore-cast*, all the *Vertue* of this House, how unitedly soever *collected*, how vigorously applyed, will have a hard worke of it. Yet to hinder this *Meteor* from causing such Distempers and Combustions by its Influence, as it then portended by its appearance; whatever the Event bee, I shall discharge my *Conscience* concerning it, freely and uprightly, as unbyast by popularity, as by any Court respects.

Sir, I could never flatter the sense of *this House*, which I Reverence so much, as to suppresse a single No, that my heart dictated, though I knew the venting of it might cast prejudices upon mee: had my Fortune placed mee neere a King, I could not have flattered a King; and I doe not intend now to *flatter a multitude*.

I shall desire those worthy Aldermen, *and the rest here of the City of* London, *not to take any thing I shall say, in the least way of disparagement or reflection on the City; I looke not upon this Petition, as a Petition from the City of* London, *but from I know not whom*, 15000. Londoners

Londoners, *all that could be got to subscribe.*

When this Petition was first presented, there might bee more reason for the *Commitment* of it, as being then the most comprehensive Catalogue wee had of Church grievance, but now that the Ministers by their *Remonstrance*, have given us so faire and full an Index of them without those mixtures of things *contemptible*, *irrationall*, and *presumptuous*, wherewith this *Petition* abounds, I do not know I professe to what good end it can be committed, being full of contemptible things, but first let me recall to your minde the manner of its delivery: And I am confident, there is no man of judgement, that will thinke it fit for a Parliament under a Monarchy, to give countenance to irregular and tumultuous assemblies of people, be it for never so good an end: Besides, there is no man of the least insight into Nature, or History, but knowes the danger, when eyther true or pretended stimulation of conscience hath once given a multitude agitation.

Contemptible things (Sir) swarme in the 8. 13. 14. 15. 16. 17. Articles of this *Petition*. Did ever any body thinke that the gaites of *Ovid*, or *Tom. Carpet* muse, should by 15000. have beene presented to a Parliament, as a motive for the extirpation of Bishops, the scandall of the Rochet, the Lawne-sleeves, the foure corner Cap, the Cope, the Surplesse, the Tippet, the Hood, the Canonicall Coat, &c. may passe with arguments of the same weight; onely thus much let me observe upon it (Mr. *Speaker*) that one would sweare the penners of the *Article* had the pluming of some Bishops already, they are so acquainted with every feather of them. In a word, I know not whether be more prepostorous, to inferre the extirpation of Bishops from such weake Arguments, or to attribute as they doe to Church government all the civill grievance; not a Patent, not a Monopoly, not the price of a com-

moditie rayſed, but theſe men make Biſhops the cauſe of it.

For the *irrationall* part (Mr. *Speaker*) firſt they *Petition* us in a Method only allowable with thoſe, whoſe Iudgement or Iuſtice is ſuſpected, that is *Iniquum petere, ut æquum ferat*: There is no Logick, no reaſoning in their demands: It were want of Logick in mee to expect it from a multitude, but I conſider the multitude in this is led by implicite faith, to that which hath beene digeſted, and contrived but by a few, and in them truely I cannot but wonder at the want of Reconciliation here.

A *Petition*, Mr. *Speaker*, ought in this to bee a kinde of Syllogiſme, that the Concluſion, the Prayer ought to hold proportion with the premiſſes, that is, with the Allegations, and Complaints, and to beeaſonably deduc't from them.

But what have we here? a multitude of Allegations, a multitude of inſtances, of abuſes, and depravations of Church Government: And what inferred from thence? let the uſe be utterly aboliſht for the abuſes ſake: As if they ſhould ſay, that becauſe Drunkenneſſe and Adultery are growne ſo epidemicall as is alledged in the *Petition*; Let there be no more uſe of Wine nor of Women in the Land.

Chriſts Diſcipline hath beene adulterated, 'tis true, the whole Church inebriated by the Prelates, therefore infer our *Petitioners*, let not ſo much as the chaſte, the ſober uſe of them be ſuffered.

Give me leave to continue one of the Compariſons a little further; ſhould it bee demonſtrated unto us, that Wine could not be made uſe of without Drunkenneſſe, and withall ſome ſuch Liquor preſented, as healthy, and as nouriſhing, from which no diſtemper could ariſe; I ſhould not blame any man for deſiring to pluck up the Vine by the roots. But for the moveable ills ſake,

to

to take away the solid good of a thing, is just as reasonable in this, as to root up a good tree, because there is a Canker in the branches.

For the bold part of this *Petition*, Sir, what can there be of greater presumption, than for *petitioners*, not onely to prescribe to a *Parliament*, what, and how it shall doe; but for a multitude to teach a Parliament, what, and what is not the government according to Gods word.

Besides, what is the *Petition* against? is it not against the government of the Church of *England*, established by Acts of Parliament? Is it not against the Liturgy, against severall formes of Divine service, ratified by the same Authority?

'Tis true, Mr. *Speaker*, the Parliament may mend, may alter, may repeale Lawes, may make new, and I hope, in due season wee shall doe so in poynt of Church-government: but in the meane time let me tell you, Sir, I cannot but esteeme it an irreverence, an high presumption in any, to *petition* point blank against a Law, or Government in force.

Representment of Inconvenience may bee made, (as the Ministers have done) such as may endure the wisedome of a Parliament, to advise Lawes, to rectifie, to repeale them; but it imports the very essence of Parliaments, to keepe up the honour of its former Acts, and not to suffer them to bee further blasted from abroad.

Beleeve me, Mr. *Speaker*, all the reverence and authority, which we expect from future times to our owne Acts hereafter depends upon our upholding the dignity of what former Parliaments have done, even in those things which in their due time we may desire, and intend to reverse.

Mr. *Speaker*, you see in what plaine language I have set forth unto you the faults of this Petition, notwithstanding

withſtanding as great as they are, ſo they may not obtaine any ſeeming countenance from us; I find my ſelfe willing to have them paſt by, eſpecially when I conſider how naturally prone all mankinde is, when it findes it ſelfe oppreſt beyond patience, to flye unto extreames for eaſe. And indeed, I doe not think, that any people hath beene evermore provoked, then the generality of *England*, of late yeares, by the inſolencies, and exorbitances of the Prelates.

I proteſt ſincerely, Mr. *Speaker*, I cannot caſt mine eye upon this Petition, nor my thoughts on the practiſes of the Church-men, that have governed it of late; but they appear'd to me as a ſcourge imployed by God upon us for the ſinnes of the Nation; I cannot thinke of that paſſage in the Booke of *Kings*, *He that eſcapes the Sword of* Hazael, *ſhall* Jehu *ſlay; and he that eſcapes* Iehu, *ſhall* Eliſha *ſlay*.

Mee thinkes the vengeance of the Prelates hath bin ſo laid, as if 'twere meant, no generation, no degree, no complexion of mankinde ſhould eſcape it.

Was there a man of a nice and tender Conſcience? him have they afflicted with ſcandall in *Adiapharis*, impoſing on him thoſe things, as neceſſary, which hee thinks unlawfull, and they themſelves knew to bee but indifferent.

Was there a man of a legall conſcience, that made the eſtabliſhments by Law, the meaſure of his religion? him have they netled with *Innovations*, with freſh *Introductions* to Popery.

Was there a man of a meek and humble ſpirit? him have they trampled to dirt in their pride.

Was there a man of a proud and arrogant nature? him have they bereft with indignation at their ſuperlative inſolence about him.

Was there a man peaceably affected, ſtudious of the quiet, and tranquillity of his Countrey? their incendiariſhip hath plagued him.

Was

Was there a man faithfully addicted to the right of the Crowne, loyally affected to the Kings Supremacy? how hath he beene galled by their new Oath? a direct Covenant against it.

Was there a man tenacious of the liberty, and propriety of the Subject? have they not set forth Books, or Sermons, or Canons destructive to them all?

Was there a man of a pretty sturdy conscience, that would not blanch for a little? their pernicious Oath hath made him sensible, and wounded, or I feare prepared him for the Devill.

Was there a man that durst mutter against their Insolencies? hee may inquire for his Engges, they have beene within the Bishops visitation; as if they would not onely derive their Brandishment of the spirituall sword from St. *Peter*, but of the materiall one too, *and the right to cut off Eares*.

Mr. *Speaker*, as dully, as faintly, as unlively, as in Language, these actions of the Prelates have been expressed unto you, I am confident, there is no man heares me, but is brim-full of indignation.

For my part, I professe I am so enflamed with the sence of them, that I finde my selfe ready to cry out with the lowdest of the 15000, *downe with them, downe with them, even to the ground.*

But M. *Speaker*, when I cast mine eye round upon this great and wise Assembly, and find my selfe a part too, (though the most unworthy and inconsiderable) of that *Senate*, from whose *dispassionate* and equall *Consultations*, present and future times must expect their happines or infelicity:

It obliges mee to the utmost of my power to divest my selfe and others of all those disturbances of Judgement which arise ever from great Provocations, and to settle my thoughts in that temper, which I thinke necessary to all those that would

would judge clearely of such things as have incenst them.

I beseech you Gentlemen, let us not be led on by passion to popular and vulgar Errors; it is naturall (as I told you before) to the multitude to flie into extremes; that seemes ever the best to them, that is most opposite to the present'st object of abrinkate.

Wise Councells (Mr. *Speaker*) must square their Resolutions by another measure, by what's most just, most honourable, most convenient: Beleeve mee, Sir, *great alterations of Government are rarely accompanyed with any of these.*

Mr. *Speaker*, we all agree upon this; that a *Reformation* of Church *Government* is most necessary, and our happy unity of opinions herein should be one argument unto us to stay there; but, Sir, to strike at the Roote, to attempt a totall Alteration, before ever I can give my vote unto that, three things must be made manifest unto me.

First, that the mischiefes which we have felt under Episcopall Government flow from the nature of the function, not from the abuses of it onely, that is, that no Rules, no Boundaries can be set to Bishops able to restraine them from such Exorbitances.

Secondly, such a frame of Government must be laid before us, as no time, no Corruption can make lyable to proportionable inconveniences with that which we abolish.

And thirdly, it must be made to appeare that this *Utopia* is practicable.

For the first, Sir, that Episcopacy a function deduced through all ages of Christs Church, from the Apostles times, and continued by the most venerable and sacred Order Ecclesiasticall; a function dignified by the learning and Piety of so many Fathers of the Church, glorified by so many Martyrdomes in the Primitive times, and

and some since our owne blessed *Reformation*, a government admired (I speak it knowingly) by the learnedst of the *Reformed* Churches abroad: and lastly, a government under which (all these late yeares) this Church hath so flourished, so fructified, that such a government, such a function, should at the dregs end of 1640. yeares bee found to have such a close Devill in it, as no power can exercise, nor Law restrain, appeares (Sir) to mee a thing very improbable: I professe, I am deceived Sir, if Triennial Parliaments will not be a Circle able to keep many a worse Devill in order.

For the second, I know not the strength of other mens fancies, but I will confesse unto you ingenuously the weaknesse of my faith in the point, that I doe not believe there can any other government bee proposed, but will in time bee subject to as great or greater inconveniences than Episcopacy, I meane Episcopacy so ordered, ordained, and limited, as I suppose it may bee by firme and solid Boundaries.

Tis true Sir, we cannot so well judge before-hand of future inconveniences, for the knowledge of the faults and mischiefs of Episcopall government, resulting from fruitfull and bleeding experience.

And the insight into dangers of any new way that shall be proposed being to rise onely from speculation, the apprehension of the danger is likely to be much more operative than of the other, though perhaps for that reason it ought to bee the weaker with us; for it is hard in such cases for us to preserve an equall and unpassionate judgement; since being in things of this world so much too hard for faith and contemplation, yet as having no other inspection into things not experienced, if we should hearken to those that would quite extirpate Episcopacy; I am confident that in stead of every

Biſhop wee put downe in a Dioceſſe, wee ſhall ſet up a Pope in every Parish.

Laſtly, Mr. *Speaker*, whether the ſubverſion of Epiſcopacy, and the introducing of another kinde of Government be practiceable, I leave it to thoſe to judge who have conſidered the Connexion and Interweaving of the Church Government with the Common Law, to thoſe who heard the Kings Speech to us the other day, or who have looked into reaſon of ſtate.

For my part (though no Stateſman) I will ſpeake my minde freely in this. I doe not thinke a King can put downe Biſhops totally with ſafety to Monarchy; not that there is any ſuch allyance as men talk of 'twixt the Myter and the Crowne, but from this reaſon; that upon the putting downe of Biſhops, the Government of Aſſemblies is likely to ſucceed it. That (to bee effectuall) muſt draw to it ſelfe the ſupremacy of Eccleſiaſticall juriſdiction that (conſequently) the power of Excommunicating Kings as well as any other brother in Chriſt, and if a King chance to be delivered over to Sathan, judge whether men are likely to care much what becomes of him next.

Theſe things conſidered M. *Speaker*, let us lay aſide all thoughts of ſuch dangerous, ſuch fundamentall, ſuch unaccompliſhed Alterations: and all thought of countenancing thoſe thoughts in others; let us all reſolve upon that courſe wherein (with union) wee may probably promiſe our ſelves ſucceſſe, happineſſe, and ſecurity, that is in a through Reformation.

To that, no mans vote ſhall be given with more zeale, with more heartineſſe than mine. Let us not deſtroy Biſhops, but make Biſhops ſuch as they were in the Primitive times.

Doe their large Territories, their large Revenues offend? let them be retrencht, the good Biſhop of *Hippo* had but a narrow Dioceſſe.

Doe

Doe their Courts and subordinates offend? let them be brought to governe as in the Primitive times, by Assemblies of their Clergy.

Doth their intermedling in secular affaires offend? exclude them from the capacity, it is no more than what Reason, and all Antiquity hath interdicted them.

That all this may bee the better effected, M. *Speaker* my motion is, that, First, we may appoynt a Committee to collect all grievances springing from the misgovernment of the Church (to which the Ministers head of Government will bee sufficient without countenancing this Petition by a Commitment) and to represent it to this house in a Body.

And in the next place that wee may (if it stand with the order of Parliaments) desire that there may bee a standing Committee of certain members of both Houses, who (with a number of such learned Ministers as the Houses shall nominate for Assistants) may take into consideration all these grievances, and advise of the best way to settle peace and satisfaction in the Government of the Church, to the comfort of all good Christians, and all good Common-wealths Men.

The Accusation and Impeachment of *John* Lord *Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seale of *England*, by the House of COMMONS.

Imprimis, That the said *John* Lord *Finch*, Baron of *Fordwich*, Lord Keeper, &c. hath traiterously, and wickedly, endeavoured to subvert the fundamentall Lawes, and established Government of the Realme of *England*, and in stead thereof to introduce an arbitrary tyrannicall government against Law, which hee hath declared by trayterous and wicked words, counsells, opinions, judgements, practices, and actions.

II.

That in pursuance of those his trayterous and wicked purposes, hee did in the third and fourth yeare of his Majesties reigne, or one of them, being then Speaker of the Commons House of Parliament, contrary to the commands of the House then assembled, and sitting, denyed

denyed and hindred the reading of some things which the said House of Commons required to bee read for the safety of the King and Kingdome, & preservation of the Religion of this Realme; and did forbid all the members of the house to speake, and said, that if any did offer to speake, he would rise and goe away, and said nothing should bee then done in the house, and did offer to rise and goe away, and did thereby and otherwise, in as much as in him lay, endeavour to subvert the ancient and undoubted rights and course of Parliaments.

III.

That he being of his Majesties Councell at the Justice seate held for the County of *Essex*, in the moneth of *October*, in the tenth yeare of his now Majesties raigne, at *Stratford Langton* in the same County being then of his Majesties Councell, in that Service did practise by unlawfull meanes, to enlarge the Forrest of that County, many Miles beyond the knowne bounds thereof, as they had beene enjoyed neere 300 yeares, contrary to the Law, and to the Charter of the liberties of the Forest, and other Charters, and divers Acts of Parliament; and for effecting the same, did unlawfully cause and procure undue returnes to be made of Jurors, and great numbers of other persons who were unsworne, to be joyned to them of the Jury, and threatned and awed the sayd Jurors to give a Verdict for the King, and by unlawfull means did surprise the County, that they might not make Defence, and did use severall menacing wicked Speeches and Actions, to the Jury and others, for obtayning his unjust purpose aforesaid, and after a Verdict obtained for the King in the Moneth of *April* following (at which time the sayd Justice Seate was called by adjornment)

journment) the sayd *John* Lord *Finch* then Lord Chiefe Iustice of his Majesties Court of Common Pleas, and was one of the Iudges assistants for them; he continued by further unlawfull and unjust practices, to maintaine and confirme the said verdict, and did then and there being assistant to the Iustice in Eyre, advise the refusal of the traverse offered by the County, and all their evidences, but onely what they should verbally deliver, which was refused accordingly.

IV.

That hee, about the Moneth of November, 1635. hee being then Lord Chiefe Iustice of the Common Pleas, and having taken an oath for the due administration of Iustice to his Majesties Liege people, according to the Lawes and statutes of the Realme, contrived in opinion in *hac verba*, (when the good and safety, &c.) and did subscribe his name to that opinion, and by perswasions, threats, and false suggestions, did solicite, and procure Sir *Iohn Bramstone* Knight, then and now Lord Chiefe Iustice of England, Sir *Humfrey Davenport* Knight, Lord chiefe Baron of his Majesties Court of Exchequer, Sir *Richard Hutton* Knight, late one of the Iustices of his Majesties Court of Common Pleas, Sir *Iohn Denham* Knight, late one of the Barons of his Majesties Court of Exchequer, Sir *William Iones* Knight, late one of the Iustices of the said Court of Kings Bench, Sir *George Crook*, then and now one of the Iudges of the said Court of Kings Bench, Sir *Thomas Trevor* Knight, then and now one of the Barons of the Exchequer, Sir *George Vernon* Knight, late one of the Iustices of the said Court of Common Pleas; Sir *Robert Barkley* Knight, then and now one of the Iustices of the said Court of Kings Bench, Sir *Francis Crawly* Knight, then and now one of the Justi-

ces

ces of the said Court of Common Pleas, Sir *Richard Weston* Knight, then and now one of the Barons of the said Court of Exchequer, some or one of them to subscribe, with their names the said opinion presently, and enjoyned them severally some or one of them secresie upon their allegeance.

V.

That he the fifth day of *June*, then being Lord Chiefe Justice of the said Court of Common Pleas, subscribed an extrajudiciall opinion in answer to questions in a letter from his Majesty, *in hac verba, &c.*

And that he contrived the said questions, and procured the said Letter from his Majesty; and whereas the said Justice *Hutton* and Justice *Crook* declared to him their opinions to the contrary; yet hee required and pressed them to subscribe, upon his promise that hee would let his Majesty know the truth of their opinions; notwithstanding such subscriptions, which nevertheless he did not make knowne to his Majestie, but delivered the same to his Majesty, as the opinion of all the Iudges.

VI.

That hee being Lord Chiefe Justice of the said Court of Common Pleas, delivered his opinion in the Chequer Chamber against Master *Hampden* in the case of Ship-money; that hee the said Master *Hampden* upon the matter and substance of the case was chargeable with the money then in question: a Copy of which proceedings the Commons will deliver to your Lordships, and did solicite and threaten the said Iudges some or one of them to deliver their opinions in like manner against Master *Hampden*; and after the said Baron *Denham* had delivered his opinion

for

for Master *Hampden*, the said Lord *Finch* repaired purposely to the said Baron *Denhams* Chamber in Serjeants Inne in Fleetstreet, and after the said Master Baron *Denham* had declared and expressed his opinion, urged him to retract the said opinion, which hee refusing, was threatned by the said Lord *Finch*, because hee refused.

VII.

That hee then being Lord chiefe Justice of the Court of Common Pleas, declared and published in the Exchequer Chamber, and westerne circuit where he went Judge, that the Kings right to Ship-money, as aforesaid, was so inherent a right to the Crowne, as an Act of Parliament could not take it away; and with divers malicious speeches inveighed against, and threatned all such as refused to pay Ship-money; all which opinions contained in the foure, five, & sixth Articles, are against the Law of the Realme, the Subjects right of property, and contrary to former resolutions in Parliament, and to the petition of right: which said resolutions and petition of right, were well knowne to him, and resolved and enacted in Parliament, when he was Speaker of the Commons house of Parliament.

VIII.

That hee being Lord chiefe Justice of the Court of Common Pleas, did take the generall practice of that Court to his private Chamber; and that hee sent warrants into all or many shires of England to severall men, as to *Francis Giles* of the County of Devon, *Robert Benson* of the County of Yorke, Attorneys of that Court, and to divers others, to release all persons arrested on any unlawfull bond of 40. shillings fees, whereas none by Law so arrested, can be bailed or released without supersedeas or writ of reversall.

IX.

IX.

That hee being Lord Chiefe Iustice of the Court of Common pleas, upon a pretended suit begun in *Michaelmas* Terme, in the 11. yeare of his Majesties Reigne, although there was no plaint or Declaration against him, did notoriously and contrary to all Law and Iustice, by threats, menaces, and imprisonment, compell *Thomas Lawrence*, an Executor, to pay 19 pound 12 shillings, and likewise caused *Richard Bernard*, being onely over-seer of the last Will of that Testator, to bee arrested for the payment of the said Money, contrary to the advice of the rest of the Iudges of that Court, and against the [illegible] and ordinary course of Iustice, and his said Oath and knowledge, and denyed his Majesties Subjects the common and ordinary Iustice of this Realme, as to Mr. *Limerick*, and others, and for his private benefit endammaged and ruined the estates of very many of his Majesties Subjects, contrary to his oath and knowledge.

X.

That hee being Lord Keeper of the great Seale of England, and sworne one of his Majesties Privie Counsell, did by false and malicious slanders labour to incense his Majestie against Parliaments, and did frame and advise the publishing the Declaration after the dissolution of the last Parliament.

All which Treasons and misdemeanors above mentioned, were done and committed by the said *John* Lord *Finch* Baron of *Fordwich*, Lord Keeper of the great Seale of *England*, and thereby he the aforesaid *Finch* hath trayterously, and contrary to his allegiance laboured to lay Imputations and Scandalls upon

his Majesties government, and to alienate the hearts of his Majesties liege people from his Majestie, and to sow a division betweene them, and to ruine and destroy his Majesties Realme of England, for which they doe impeach him the said Lord *Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seale of England, of high Treason against our Soveraigne Lord the King, his Crowne and Dignity, of the misdemeanours above mentioned. *And the said Commons by Protestation, saving to themselves the liberty of exhibiting at any time hereafter, any other accusation or impeachment against the said Lord Finch, and also of replying to the answer that the said* John Lord Finch *shall make unto the said Articles or to any of them, and of offering proofe of the premisses, or any of their impeachments or accusations that shall be exhibited by them, as the case shall according to the course of Parliaments require, doe pray, that the said* John Lord Finch, *Baron of Fordwich, Lord Keeper of the Great Seale of England, may be put to answer to all and every of the premisses, and such proceedings, examinations, tryalls, and judgements, as may be upon every of them had and used, as is agreeable to Law and Justice.*

The

The Lord FAULKLANDS second Speech: Made the 14. of *January*, after the reading of the Articles against the Lord FINCH.

THese Articles against my Lord *Finch* being read, I may bee bold to apply that of the Poet, *Nil refert tales versus qua voce legantur*, and I doubt not but your Lordships must be of the same opinion, of which the House of Commons appeares to have beene, by the choyce they have made of me, that the charge I have brought is such, as needs no assistance from the bringer, leaving not so much as the colour of a colour for any defence, including all possible evidence, and all possible aggravation (that addition alone excepted) which he alone could make, and hath made; I meane his Confession, Included in his flight.

Here are many and mighty Crimes, *Crimes of Supererogation*, (So that high Treason is but a part of his Charge) pursuing him fervently in every severall condition, (*being a silent Speaker, an unjust Judge, and an unconscionable Keeper.*) *That his life appeares a perpetuall Warfare*, (*by Mines, and by Battery, by Battell, and*

by Stratagem) against our fundamentall Lawes (which by his own confession) first all Conquests had left untouch't, against the excellent constitution of this Kingdome, which hath made it appear unto Strangers rather an Idea, than a reall Common-wealth, and produced the honour and happinesse of this to be a wonder of every other Nation, and this his unfortunate successe, that as he always intended to make our Ruines a ground of his advancement; so his advancement the meanes of our further ruine.

After that, contrary to the further end of his place, and the end of that meeting in which he held his place, hee had as it were gagg'd the Common-Wealth, taking away, (to his power) all power of Speech from that body, of which he ought to have beene the Mouth, and which alone can perfectly represent the *condition* of the people, whom that onely represent, which if he had not done, in all probability, what so grave and judicious an Assembly might have offered to the consideration of so gracious and just a Prince, had occasioned the redresse of the grievances they then suffered, and prevented those which we have since endured. according to the ancient Maxime of *Odisse quos læseris*: he pursued this offence towards the Parliament, by inveighing against the Members by scandalizing their proceedings, by *trampling* upon their *Acts* and *Declarations*, by usurping and devolving the right, by diminishing & abrogating the power, both of that & other *Parliaments* & making them (as much as in him lay) both useleſſe and odious to his Majesty, and pursued his hatred to this fountain of Justice by corrupting the streames of it, the Lawes; and perverting the Conduit Pipes, the Judges.

He practiced the annihilating of Ancient, and Notorious perambulations of particular Forrests, the better to prepare himself to annihilate the Ancient, and Notorious perambulation of the whole Kingdome, the meeres

and

and bounders betweene the liberties of the Subject and Soveraigne power; he endeavoured to have all tenures *in durante bene placito*, to bring all Law from his Majesties Courts, into his Majesties breast: he gave our goods to the King, our lands to the Deere, our liberties to his Sheriffes; so that there was no way by which wee had not beene oppreſt, and deſtroyed, if the power of this perſon had beene equall with his will: Or that the will of his Majeſtie had beene equall to his power.

He not onely by this meanes made us lyable to all the effect of an Invaſion from within, (and by deſtruction of our Liberties, which included the deſtruction of our propriety, which included the deſtruction of our Induſtry,) made us lyable to the terribleſt of all Invaſions, that of want and poverty. So that if what hee plotted had taken Root (and he made it as ſure as his Declaration could make it (what himſelfe was not) *Parliament proofe*) in this wealthy and happy Kingdome, there could have beene left no aboundance but of grievances, and diſcontentment, no ſatisfaction but amongſt the guilty. It is generally obſerved of the plague, that the infection of others, is an earneſt, and conſtant deſire of all that are ſeized by it: and as this deſigne reſembles that diſeaſe, in the ruine, deſtruction, and deſolation, it would have wrought, ſo it ſeemes no leſſe like it in this effect; he having ſo laboured to make others ſhare in that guilt, that his ſolicitation, was not onely his action, but his workes, making uſe both of his Authority, his Intereſt, and Importunity, to perſwade; and in his Majeſties Name (whoſe Piety is knowne to give that Excellent prerogative to his perſon, that the Law gives to his place, not to be able to doe wrong) to threaten the reſt of the Iudges, to ſigne opinions contrary to Law, to aſſigne anſwers contrary to their opinions, to give Iudgement which they ought not to have given, and to recant Iudgement, when they had given as they ought, ſo that

whoſoever

whosoever considers his care of, and concernment both in the growth and the immortality of this project, cannot but by the same way, by which the wisest judgment found the true mother of the Child, discover him not onely to have beene the Fosterer, but the Father of this most pernicious and envious designe.

I shall not need to observe, that this was plotted and pursued by an English man against England, (which encreaseth the Crime in no lesse degree than parricide is beyond Murther) that this was done in the greatest matter joyned to the greatest Bond, being against the generall liberty, and publike propriety, by a sworne Iudge (and if that salt it selfe, becomes unsavory, the Gospell it selfe hath declared whither it must be cast) that he poysoned our very Antidotes, and turned our Guard into a destruction, making Law the ground of illegalitie: that he used this Law not onely against us, but against it selfe, making it as I may say, Felo de se, making the pretence, (for I can scarce say the appearance of it) to contribute the ruine of it selfe.

I shall not need to say, that either this (or more can be) of the highest kinde, and in the highest degree of Parliamentary Treason, a Treason which need not a computation of many severall actions, which alone were not Treason, to prove a Treason altogether, and by that demonstration of the intention, to make that formality Treason which were materially but a misdemeanor, a Treason as well against the King, as against the Kingdome, for whatsoever is against the whole, is undoubtedly against the head, which takes from his Majesty the ground of his Rule, the Lawes, (for if foundations bee destroyed, the Pinnacles are most endangered) which takes from his Majesty the principal honour of his Rule, the Ruling over Free-men, a power as much Nobler then over villaines, as that is that's over beasts) which endevoured to take from his Majesty the principall

support

support of his Rule, their hearts and affections over whom he rules (a better and surer strength and wall to the King, than the Sea is to the Kingdome) and by begetting a mutuall distrust, and by that a mutuall disaffection between them, to hazard the danger even of the destruction of both.

My Lords,

I shall the lesse need to presse this, because as it were unreasonable in any case to suspect your Justice, so here especially, where your Interest so nearly unites you, your great share in possessions, giving you an equall concernment in propriety, the care and paines used by your Noble Ancestors in the founding and asserting of our common Liberties, rendring the just defence of them, your most proper and peculiar inheritance, and both exciting to oppose and extirpate all such designes as did introduce, and would have setled an Arbitrary, that is, an intollerable forme of Government, and have made even your Lordships and your posterity but Right Honourable slaves.

My Lords,

I will spend no more words, Luctando cum larva, in accusing the Ghost of a departed person, whom his Crimes accuse more than I can use; and his absence acquits me lesse than his Crime. Neither will I excuse the length of what I have said, because I cannot adde to an Excuse, without adding to the Fault, or my owne imperfections, either in the matter or manner of it, which I know must appeare the greater, by being compared with that learned Gentlemans great abilities, who hath preceded me at this time: I will onely desire by the Command, and in the behalfe of the House of Commons, that these proceedings against the Lord Finch, *may be put to speedy dispatch, as in such cases the course of Parliament will allow.*

The

The first Speech made by *Sir Edward Deering*, in the house of Commons.

Mr. *Speaker*.

YEsterday, the affaires of this House did borrow all the time allotted to the great *Committee of Religion*, I am sorry that (having but halfe a day in a whole weeke) we have lost that.

Mr. *Speaker*, The sufferings that wee have undergone, are reduceable to two heads: *The first concerning the Church: The second belonging to the Common-wealth.* The first of these must have the first fruites of the *Parliament*, as being the first in weight and worth, and more immediately to the honour of *God, and his Glory*, every dramme whereof, is worth the whole *weight of a Kingdome.* The *Common-wealth* (it is true) is ful of apparent dangers, the Sword is come home unto us, and two Twinned Nations, united together under one regall Head, *Brethren together in the Bowels and Bosome of the same Island*, and which is above all, *is imbanded together in the same Religion*, (I say in the same Religion) *by a divellish Machination, like to be fatally imbrewed in each others blood, ready to digge each others Graves.* Quantillum abfuit.

For other grievances *also, the poore dis-hearted* Subject *sadly grieves, not able to distinguish betweene* Power *and* Law, *and with a weeping heart* (no question)

hath long prayed for this hour in hope to be relieved; and to know hereafter whether any thing hee hath (besides his poore part and portion of the common Air hee breatheth) may be truly called his owne.

These Mr. *Speaker*, and many other, doe deserve, and must shortly have our deepe regards, but *suo gradu*. Now in the first place there is a *unum necessarium*, above all our worldly sufferings and dangers; *Religion*, the immediate Service due unto *Almighty God*; and herein let us all be confident, that all our consultations wil be *unprosperous*, if wee put any determination before that of *Religion*. For my part, let the Sword reach from the *North* to the *South*, and a gener all perdition of all our remaining rights threaten us in an open view, it shall bee so farre from making mee to decline the first setling of Religion, that I shall ever argue, and rather conclude it thus; *That the more great and eminent our perils of this World are, the stronger and quicker ought our care to be for the glory of God, and the pure Law of our Soules.*

If then, Mr. *Speaker*, it may passe with full allowance, that all our cares may give way unto the *Treaty of Religion*, I will reduce that also unto two heads: *First of Ecclesiasticall persons; Then of Ecclesiasticall Causes*: Let no man start or be affrighted at the imagined length of this Consultation; it will not, it cannot take up so much Time as it is worth. *This is God and the Kings, God and the Kingdomes, nay this is God and the two Kingdomes cause.*

And therefore, Mr. *Speaker*, my humble motion is, that wee may all of us, *seriously*, *speedily*, and *heartily* enter upon this, the *best* and the *greatest*, and the most *important cause* wee can treate on.

Now, Mr. *Speaker*, in pursuite of mine owne motion, and to make a little entrance into these great

Affaires, I will preſent unto you the *Petition* of a poore diſtreſſed *Miniſter* in the County of *Kent*, a man conformable in *his practice, Orthodoxe in his Doctrine, laborious in his Miniſtery, as any wee have or I doe know. He is now a ſufferer* (as all good men are) *under the generall obloquy of a* Puritan, *as with other things was admirably delivered by that ſilver Trumpet at the Bar*, the Purſevant *watched his doore, and divides him and his* Cure *aſunder to both their griefes; for it is not with him as perhaps with ſome, that ſet the* Purſevant *at worke, glad of an excuſe to be out of the* Pulpit, *it is his delight to Preach.* About a weeke ſince I went over to *Lambeth* to moove that great Biſhop (too great indeede) to take this danger from off this *Miniſter* and recall the *Purſevant*: And withall did undertake for Mr. *Wilſon* (for ſo is your *Petitioner* called) that hee ſhould anſwere his Accuſers in any of the Kings Courts at *Weſtminſter*: The Biſhop made me this anſwere in *His verbis*, I am ſure that hee will not abſent from his *Cure* a Twelvemoneth together, and then I doubt not but once in a yeare wee ſhall have him. *This was all that I could obtaine, but I hope* (by the helpe of this Houſe) *before this yeare of threats be runne out, his Grace will either have more Grace, or no Grace at all. For our griefes are manifold, and doe fill a mighty and vaſt Circumference, yet ſo that from every part, our lines of ſorrow doe lead unto him, and point at him, as the* Center *from whence our miſeries doe grow.*

Let the Petition *be read, and let us enter upon the worke.*

THE

The second Speech of Sir *Edward Deering*.

Mr. *Speaker*,

YOu have many private particular Petitions, give me leave by word of mouth to interpose one more generall, which thus you may receive: Gods true Religion is violently invaded by two seeming enemies, but indeed they are like *Herod* and *Pilate*, fast friends for the destruction of truth: I meane the *Papists* for the one part, and our *Prelaticall* Faction for the other, between these two in their severall progresse, I observe the concurrence of some few parallells, fit as I conceive to bee represented to this Honourable House.

First, with the *Papists* there is a severe *Inquisition*, and with us (as it is used) there is a bitter *High Commission*, both these *Contra fas & jus* are Judges in their owne case: yet herein their *Inquisitors* are better than our *High Commissioners*, they (for ought I ever heard) doe not (*Savire in suos*) punish for delinquents and offenders, such as professe and practice Religion, according as it is established by the Lawes of the Land where they live.

But with us, how many poore distressed Minis-

sters? nay how many scores of them in a few yeares past, have bee re suspended, degraded, and excommunicated? not guilty of the breach of any established Lawes? The Petitions of many are here with us, more are comming, all their prayers are in Heaven for redresse: Downe therefore with these Money-changers; They doe confesse Commutation of Penance, and I may therefore most justly call them so.

Secondly, with the *Papists* there is a *Mysterious Artifice*, I meane their *Index Expurgatorius*, whereby they clip the tongues of such witnesses whose evidence they doe not like: To these I parallell our late *Imprimators*, Licensers for the Presse, so handled, that truth is suppresst and popish Pamphlets flie abroad *Cum privilegio*, witnesse the audacious Libells against true Religion, written by *Cossens*, *Dowe*, *Heylin*, *Pocklington*, *Mead*, *Shelford*, *Swan*, *Roberts*, and many more, I name no Bishops, but I adde, &c.

Nay, they are already growne so bold in this new trade, that the most learned Labourers of our ancient and best divines, must bee new corrected, and defaced with a Delineatur, by the supercilious penne of my Lords young Chaplaine, fit perhaps for the Technicall Arts, but unfit to hold the Chaire for Divinity.

But herein the Roman *Index* is better than our English *Licences*, they thereby doe prove the current of their owne established Doctrines, a point of wisedome; but with us our Innovators by this *Artifice* do alter our setled Doctrines, nay they doe subinduce poynts repugnant and contrary: and this I doe affirme upon my selfe to prove.

One parallell I have more, and that is this: Amongst the *Papists* there is one acknowledged Pope, supreme in honour over all, and in power, from whose judgement there is no appeale: I confesse Mr. *Speaker*, I cannot

not altogether match a *Pope* with a *Pope*, yet one of the ancient Titles of our English *Primate*, was *Alterius orbis Papa*, but thus farre I can goe (*ex ore suo*) it is in Print; hee pleads faire for a *Patriarchall*, and for such a one whose Iudgement (he before hand professeth) ought to be finall, and then I am sure it ought to bee unerring; put these two together, and you shall finde that the finall determination of a *Patriarch*, will want very little of a Pope, and then we may say, *Mutato nomine de te fabula narratur*: he pleadeth *Popeship*, under the name of a *Patriarch*, and I much feare the end and top of his *Patriarchall* plea, may be as that of Cardinall *Poole*, his Predecessour, who would have two heads, one *Caput Regale*, the other *Caput Sacerdotale*, a proud parallell to set up the Myter above the Crowne.

But herein I shall bee free and cleare, if one there must be, be it a *Pope*, be it a *Patriarch*, this I resolve upon for mine own choyce, *Procul a Iove, procul a fulmine*, I had rather serve one as far as *Tyber*, then to have him come to mee so neare as the *Thames*, a Pope at *Rome* will doe mee lesse hurt, than a Patriarch may doe at *Lambeth*.

I have done, and for this third parallell, I submit it to the wisedome and consideration of this grave *Committee* for *Religion*: In the meane time I doe ground my Motion upon the former two, and it is this in briefe.

That you would be pleased to select a sub-Committee of 4. 6. 8. 9. or 10. at the most, and to impower them for the discovery of the great numbers of oppressed Ministers, under the Bishops tyranny for these ten yeares last past, we have the complaints of some, but more are silent, some are patient and will not complaine, others are fearefull and dare not, many dead, and many beyond the Seas, and cannot complaine.

And in the second place, that the sub-Committee may examine the Printers, what Bookes by bad licence have beene corruptly issued forth. And what good Bookes have beene (like good Ministers) silenced, clipped, or cropped.

The worke I conceive, will not be difficult, but will quickly returne into your hands full of weight.

And this is my Motion.

The third Speech of Sir *Edward Deering.*

Mr. *Speaker*,

THis Morning is designed for the consideration of the late Canons, and the former; and of that which the Clergy have mis-called a benevolence; I shall for the present, onely touch the first of them, and that is the Roman *Velites*, whr did use to beginne the Battaile: so shall I but *velitande*, and skirmish, whilst the maine Battaile is setting forwards.

The *Pope* as they say, hath a triple Crown, answerable thereunto, and to support it, hee pretendeth to have a threefold Law.

1. The first that is *Ius divinum*, Episcopacy by Divine Right: and this he would have you thinke to bee the Crowne next his head, which doth circle and secure his power, our Bishops have in an unlucky time entred their Plea, and presented their title to this Crowne, Episcopacy *by Divine Right*.

2. The

2 The second is *Jus humanum Constantii donativum*: the gift of Indulgent Princes temporall power; this Law belongs to his second or middle Crowne, this is already pleaded for by our Prelates in print.

3. These two Crowne being already obtained, The Pope claimes, and makes the third himselfe, and sets it highest upon the top: This Crowne also hath its Law, and that is *Jus Canonicum*: This Canon Law is of more use unto his Popeship (if once admitted) than both the other.

Just so our Prelates from the pretended Divinity of their Episcopacy, and from the temporall power granted them by our Princes, would now obtrude a new Canon Law upon us: They have charged the Canons to the full, and never fearing they would requoyle into a Parliament, they have rammed a prodigious and ungodly Oath into them: the illegality and invalidity of these Canons, is manifested by one short question, (*viz.*) what doe you call the meeting wherein they were made?

Mr. *Speaker*, who can frame an argument aright, unlesse he can tell against what he is to argue?

Would you confute the Convocation-house? they were a holy Synod, they were Commissioners? will you dispute their Commission? they will mingle all power together, and perhaps answer, they were something else, that we neither knew nor imagined; unlesse they would unriddle themselves, and owne what they were, wee may prosecute non-concludent Arguments.

Mr. *Speaker*, I have conferred with some of the Founders of those *Canons*, but I professe here, that I could never meet with any one of that assembly, who could well answer to that first question of the Catechisme, *What is your name?* Alas, they were parted before they knew what they were, when they were together.

The

The ſumme of all the ſeverall anſwers that I have received, do all together amount unto this: They were a Convocationall, Synodicall Aſſembly of Commiſſioners; Indeed a threefold *Chemera*, a Monſter to our Lawes, a *Cerberus* to our Religion. A ſtrange Commiſſion, where no Commiſſioners name is to be found! A ſtrange Convocation that lived when the Parliament was dead. A ſtrange holy Synod, when the one part never ſaw nor conferred with the other.

But indeed, there needed no conference, if it be true of theſe Cannons which I read of the former, *Quis neſcit, Canones Lambethæ formari priuſquam in Synodo ventilentur?*

Well Mr. *Speaker*, they have Innovated upon us; wee may ſay, it is *Lex talionis* to Innovate upon them, and ſo I hope we ſhortly ſhall doe.

In the meane time, my humble motion is, that every member of that aſſembly, who voted their Cannons, may come ſeverally to the Barre of this Houſe, with a Book of Cannons in his hand and there unleſſe he can anſwer that Catechiſme queſtion, as I called it, better then I expect he can, *conceptis verbis*, in ſuch expreſſe termes as this honourable houſe ſhall then think fit, he ſhall abjure his owne Iſſue, and be commanded to give fire to his owne Canons.

And this motion I take to be juſt.

The fourth Speech of Sir *Edward Deering*. Concerning the Arch-Bishop, and divers other Grievances.

Mr. *Speaker*,

YEsterday we did regulate the most important businesse before us: and gave them motion, so that our great and weighty affaires, are now on their feet in their progresse, journying on towards their severall periods, where some I hope will finde their latest home.

Yet among all these I observe one, a very maine one, to steepe *sine die*: give me leave to awaken it; it is a businesse of an immense weight, and worth; such as deserves our best care, and most severe circumspection. I meane the Grand Petition long since given in by many thousand Citizens against the domineering Clergy.

Wherein (for my part) although I cannot approve of all that is presented unto you, yet I do clearely professe, that a great part of it, nay the greatest part thereof, is so well grounded, that my heart goes cheerefully along therewith.

It seemes that my Countrey (for which I have the honour to serve) is of the same minde, and least you should thinke that all faults are included within the walls of *Troy*, they will shew you,

Iliacos intra muros peccatur, & extra.

The ſame grievances which the City groanes under, are provinciall unto us, and I much feare they are Nationall among us all.

The pride, the avarice, the ambition, and oppreſſion, by our ruling Clergie is *Epidemicall*, it hath infected them all. There is not any, or ſcarce any of them, who is not practicall in their own *great cauſe in hand*, which they impiouſly doe miſ-call, *the Piety of the times*, but in truth ſo wrong a Piety, that I am bold to ſay,

In facinus juraſſe putes.——

Here in this Petition is the diſeaſe repreſented, here is the cure intreated.

The number of your Petitioners is conſiderable, being above five and twenty hundred names, and would have been foure times as many, if that were thought materiall.

The matter in the Petition is of high import: but your Petitioners themſelves are all of them quiet and ſilent at their owne houſes, humbly expecting and praying the reſolution of this great Senate, *upon theſe their earneſt and thrice hearty deſires.*

Here is no noyſe, no numbers at your doore: they will be neither your trouble nor your jealouſie; for I doe not know of any one of them this day in the towne: ſo much they doe affie in the juſtice of their Petition, and in the goodneſſe of this houſe.

If now you want any of them here to make avowance of their Petition, I am their ſervant. I doe appeare for them, and for my ſelfe, and am ready to avow this Petition in their names, and in my owne.

Nothing doubting, but fully confident that I may juſtly ſay of the preſent uſage of the Hierarchy in the Church

Church of *England*, as once the Pope (Pope *Adrian* as I remember) ſaid of the Clergy in his time: *A vertice capitis ad plantam pedis, nihil eſt ſanum in toto ordine Eccleſiaſtico.*

I beſeech you read the Petition, regard us, and relieve us.

Maſter BAGSHAWES Speech in Parliament Febr. 9th. 1640. Concerning *Epiſcopacy*, and the *London* Petition.

Mr. Speaker,

I Was yeſterday and the time before, for the retaining of the *London* Petition, and am in the ſame minde ſtill; and therefore doe now riſe up againſt the propoſall of that queſtion which is now called for; *Whether Epiſcopacy it ſelfe be to be taken into conſideration by the Committee?* wherein I doe diſtinguiſh of a twofold Epiſcopacy, the firſt, *in Statu puro*, as it was in the Primitive times: the ſecond, *in Statu corrupto*, as it is at this day, and is ſo intended and meant in the *London* Petition. Now I hold that Epiſcopacy in this latter ſence is to be taken into conſideration as a thing that trencheth not onely upon the right and liberties of the Subject; of which I ſhall have occaſion to ſpeake hereafter. But as it is now, it trencheth upon the Crowne of *England* in theſe foure particulars, where-

in I know, this House will willingly heare me.

First, it is maintained by the Bishop of *Exeter* in a Booke which he hath writ to this purpose, that Episcopacy it selfe both in the office and in the jurisdiction is *de Iure Divino*, of Divine right; which position is directly contrary to the Lawes of *England*, of which I will cite but two or three in stead of many more. The Statute of *Carlisle* 35. *Ed.* 1. mentioned in *Caudries* case, in the fifth Report, saith, that the Church of *England* is founded in the state of Prelacie by the Kings of *England* and their Progenitors. Which likewise appeares by the first Chapter in *Magna Charta*, in these words, *Concessimus Deo & Ecclesiæ Anglicanæ omnes libertates, &c.* and in the twentie fifth yeare of *Edward* the third, in the French Roll which I have seene, there the Archbishop and Clergie petition the King for their liberties, in these words, thus Englished, *That for the reverence of God and holy Church, and of his grace and bounty, he will confirme all those liberties, priviledges, and rights, granted and given by him and his noble Progenitors, to the Church by their Charters:* which plainly sheweth, that they have their Episcopall Jurisdiction from the Kings of *England*, and not *Iure divino*, by divine right: and this likewise is acknowledged by themselves in the Statute of 37. *H.* 8. *cap.* 17. that they have their Episcopall jurisdiction, and all other Ecclesiasticall jurisdiction whatsoever solely and onely, by, from, and under the King.

The second thing that is trenching upon the Crowne, is this, that it is holden at this day, that Episcopacy is inseparable to the Crowne of *England*, and therefore it is commonly now said, *No Bishop, no King: no Mitre, no Sceptre:* which I utterly deny; for it is plaine and apparant, that the Kings of *England* were long before Bishops, and have a subsistance without them, and have done, and may still depose them.

The

The third is likewise considerable, as trenching upon the Crowne, which is that was said under the Gallery, that Episcopacy was a third estate in Parliament, and therefore the King and Parliament could not be without them. This I utterly deny, for there are three estates without them, as namely, the King, who is the first estate; the Lords Temporall the second, and the Commons the third; and I know no fourth estate. Besides, the Kings of *England* have had many Parliaments, wherein there have beene no Bishops at all: as for example, *Ed.* 1. 24. of his reigne held his Parliament at *Edmundbury, exclusis Clero*; and in the Parliament 7. *R.* 2. *c.* 9. & 7. *R.* 2. *c.* 12. it doth appeare, that they were enacted by the King, with the assent and agreement of the Lords Temporall, and Commons, where the estates of Parliament are mentioned, and not the Clergie. Diverse other statutes might likewise be named to this purpose, which I omit.

The fourth and last thing is of the Bishops holding of the Ecclesiasticall Courts in their owne names, and not in the name of the King, nor by Commission from him, contrary to the Statute of 1 *Edw.* 6. *cap.* 2. and contrary to the practice of Bishop *Ridley*, *Coverdale*, and *Pember*, who tooke Commissions from the K. N. C. for holding their Ecclesiasticall Courts, as may be seene at this day in the Rolles.

And although it will bee objected, that by a late Proclamation, in the yeare of our Lord God, 1637. wherein the opinion of the Iudges mentioned, it is declared upon their opinion, that the act of 1 *Edw.* 6. was repealed, and that Bishops may now keep Courts in their owne names, and send processe under their owne Seales; yet it is well knowne, that the Statute of 1 Q. *Mary*, which repealed the Statute of 1 *Ed.* 6. was it selfe repealed by the Statute of 1 *Iac. cap* 25. Whereupon it was holden upon a full

a full debate of this poynt in Parliament, 7 *Iac.* which I have seene that upon consideration of the Statutes of 1 *Iac.* and 1. *Eliz. cap.* 1. and 8 *Eliz. cap.* 1. that the Statute of 1 *Ed.* 6. was revived, and that Bishops ought not to keepe Courts in their owne names: So that for these reasons so nearely concerning the right of the Crowne of *England* in the poynt of Episcopacy, I am against the propofall of that question, and am for the retaining of the *London Petition*, and for a thorow Reformation of all abuses, and grievances of Episcopacy mentioned in the Ministers Remonstrance, which Reformation may perhaps serve the turne without alteration of the Government of *England*, into a forme of Presbytery, as it is in other Kingdomes of *Scotland*, *France*, *Geneva*, and the *Low Countries*, which for mine owne part, had I lived in these Kingdomes, I should have bin of the opinion of the Protestant party in point of Presbytery, because those Kingdomes are governed by the Civill Law, which maintaines the jurisdiction of the Pope and Papall Episcopacy, which the ancient Lawes of *England* condemne, being likewise in themselves opposite to the Civill and Canon Lawes. And if notwithstanding all the Reformation that can be made by the Lawes of this Land, a better forme of government may evidently appeare to us, concerning which there is no forme now before us; it is to be taken by us into consideration, according to that imperiall Constitution in these words, *In rebus nobis constituendis evidens utilitas esse debet, ut ab eo jure recedatur quod diu aequum visum est.*

And so Mr. *Speaker*, I shortly conclude, that for these Reasons, omitting divers more, the *London* Petition is to be retained.

The

The Speeches of Sir *Benjamin Rudyer* in the High Court of *Parliament.*

Mr. Speaker,

WEe are here assembled to doe Gods businesse and the Kings, in which our owne is included, as wee are Christians, as wee are Subjects. Let us first feare GOD, then shall wee honour the King the more: for I am afrayd wee have beene the lesse prosperous in *Parliaments*, because wee have preferred other matters before Him. Let Religion be our *Primum Quarite*, for all things else, are but *Etcetera's* to it; yet we may have them too, sooner and surer, if wee give God his precedence.

We well know what disturbance hath been brought upon the Church, for vain petty trifles. How the whole Church, the whole Kingdome hath beene troubled, where to place a Metaphor, an *Altar*. Wee have seene Ministers, their Wives, Children, and Families undone, against Law, against Conscience, against all Bowells of Compassion, about not dancing upon Sundayes. What doe these sort of men think will become of themselves, when the *Master of the house shall come*, and finde them

them thus beating their fellow servants? These Inventions were but Sives made of purpose to winnow the best men, and that's the Devills occupation. They have a minde to worry preaching, for I never yet heard of any, but diligent preachers that were vext with these and the like devices. They despise prophesie, and as one said, *They would faine be at something were like the Masse, that will not bite. A muzzl'd Religion.* They would evaporate and dis-spirit the power and vigour of Religion, by drawing it out into solemne, specious formalities, into obsolete, antiquated Ceremonies, new furbish'd up. And this (belike) is the good worke in hand, which Dr. *Heylin* hath so often celebrated in his bold Pamphlets. All their Acts, and actions are so full of mixtures, involutions and complications, as nothing is cleare, nothing sincere in any of their proceedings. Let them not say, that these are the perverse suspitious malicious interpretations of some few factious Spirits amongst us, when a Romanist hath bragged, and congratulated in print, *That the face of our Church begins to alter, the Language of our Religion to change.* And *Santta Clara* hath published, *That if a Synod were held, Non intermixtis Puritanis, setting Puritanes aside, our Articles and their Religion would soone be agreed.* They have so brought it to passe, that under the name of Puritans, all our Religion is branded, and under a few hard words against Iesuites, all popery is countenanc'd.

Whosoever squares his actions by any rule, either Divine or Humane, hee is a Puritan. Whosoever would be governed by the Kings Lawes, he is a Puritan. Hee that will not doe whatsoever other men would have him doe, he is a Puritan. Their great worke, their Master-piece now is, *To make all those of the Religion, to be the suspected party of the Kingdome.*

Let

Let us further reflect upon the ill effects these Courts have wrought, what by a defection from us, on the one side, a separation on the other: Some imagining whither we are tending, made haste to turne, or declare themselves Papists before hand, thereby hoping to render themselves the more gracious, the more acceptable. A great multitude of the Kings Subjects, striving to hold communion with us; but seeing how far we were gone, and fearing how much further we would goe, were forc'd to flye the Land, some into other inhabited Countries, very many into Savage wildernesses, because the Land would not bear them. Do not they that cause these things cast a reproach upon the government?

Mr. *Speaker*, let it be our principall care, that these wayes neither continue, nor returne upon us. If wee secure our Religion, wee shall cut off and defeat many Plots that are now on foot by Them and Others. Beleeve it Sir, Religion hath beene for a long time, and still is the great designe upon this Kingdome. It is a knowne and practic'd principle, That they who would introduce another Religion into the Church, must first trouble and disorder the government of the State, that so they may worke their ends in a confusion which now lyes at the doore.

I come next Mr. *Speaker*, to the Kings businesse more particularly, which indeed is the Kingdomes, for one hath no existence, no being without the other, their relation is so neere; yet some have strongly and subtilly laboured a divorce, which hath beene the very bane both of King and Kingdome.

When foundations are shaken, it is high time to looke to the building. He hath no Heart, no Head, no Soule, that is not earnest in his whole man, to look upon the distresses, the miseries of the Common-wealth, that is not forward in all that he is, and hath, to redresse them in a right way.

The King likewise is reduced to great straights, wherein it were undutifulnesse beyond inhumanity, to take advantage for him: let us rather make it an advantage for him, to due him best service when he hath most need. Not to seeke our owne good, but in Him, and with Him, else wee shall commit the same crimes our selves, which wee must condemne in others.

His Majesty hath clearely and freely put himselfe into the hands of this *Parliament*, and I presume, there is not a Man in this House, but feeles himselfe advanc't in this high trust, but if Hee prosper no better in our hands than he hath done in theirs, who have hitherto had the handling of his affaires, wee shall for ever make our selves unworthy of so gracious a confidence.

I have often thought and said, that it must hee some great extremity, that would recover and certifie this state, and when that extremity did come, *It would be a great hazzard whether it might prove a remedy, or ruine.* We are now Mr. *Speaker* upon that verticall turning poynt, and therefore it is no time to palliate, to foment our owne undoing.

Let us set upon the remedy, wee must first know the Disease: But to discover the diseases of the State, is (according to some) to traduce the Government; yet others are of opinion, that this is the halfe way to the Cure.

His Majesty is wiser than they that have advised him, and therefore hee cannot but see and feele their subverting destructive Counsells, which speake lowder than I can speak of them: for they ring a dolefull deadly knell over the whole Kingdome. His Majesty best knowes who they are: for us, let the Matters boil out the men; their actions discover them.

They are men that talke largely of the Kings service,

service, have done none but their owne, and that's too evident.

They speake highly of the Kings power, but they have made it a miserable power, that produceth nothing but weaknesse, both to the King and Kingdome.

They have exhausted the Kings revenew to the bottome, nay through the bottome, and beyond.

They have spent vast summes of money wastefully, fruitlessly, dangerously: So that more money without other Counsells will be but a swift undoing.

They have alwayes peremptorily pursued one obstinate pernicious course. First, they bring things to an extremitie, then they make that extremity of their owne making; the reason of their next action, seven times worse than the former, and there wee are at this instant.

They have almost spoyled the best instituted Government in the world, for Soveraignty in a King, liberty to the Subject; the proportionable temper of both which, makes the happiest state for power, for riches, for duration.

They have unmannerly and slubbringly cast all their Projects, all their Machinations upon the King: which no wise or good Minister of State ever did; but would still take all harsh, distasteful things upon themselves, to cleare, to sweeten their Master.

They have not suffered his Majestie to appeare unto his people, in his owne native goodnesse.

They have eclipsed him by their interposition: althogh grosse condense bodies may obscure, and hinder the Sun from shining out, yet is hee still the same in his owne splendor. And when they are removed, all Creatures under him are directed by his light, comforted by his beames: But they have framed a superstitious seeming Maxime of State for their owne turne; *That if a King will suffer men to be torne from him, hee shall never have*

any

any good service done him. When the plaine truth is, that this is the surest way to preserve a King from having ill servants about him. And the Divine Truth likewise is, *Take away the wicked from the King, and his Throne shall be established.*

Mr. Speaker. Now wee see what the sores are in generall: and when more particulars shall appeare; let us be very carefull to draw out the Cores of them; not to skin them over with a slight suppurating, a strong Cure, lest they breake out against into a greater mischiefe; consider of it, consult and speake your minds.

It hath heretofore beene boasted, *That the King should never call a Parliament till he had no need of his people;* These were words of Division, and malignitie. *The King must always according to his occasions, have use of his peoples Power, Hearts, Hands, Purses. The People will always have need of the Kings Clemencie, Justice, Protection. And this Reciprocation is the strongest, the sweetest union.*

It hath bin said too of late, *That a Parliament will take away more from the King, then they will give him.* It may well be said, *That too sparings which will fall away of themselves, will enable the Subject to give him more than can be taken any way else. Projects and Monopolies are but leaking Conduit-pipes. The Exchequer is selfe at the full-st, is but a Custome, and now a broken one; frequent Parliaments enely are the Fountaine. And I doe not doubt but in this Parliament, as wee shall bee free in our advises, so shall we be the more free of our purses, that his Majestie may experimentally finde the reall difference of better Counsells, the true solid grounds of raising and establishing his Greatnesse, never to be brought againe (by Gods blessing) to such dangerous, such desperate perplexities.*

Mr. *Speaker*, I confesse I have now gone in a way much against my Nature, and somewhat against my Custome heretofore raised in this place, but the deplorable, yea small condition both of Church and State have so far wrought upon my judgement, as it hath convinced my disposition, yet am I not *Vir Sanguinum*: I love no mans ruine; I thanke God, I neither hate any mans person, nor envie any mans fortune, onely I am zealous of a thorow Reformation in a time that exacts, that extorts it. Which I humbly beseech this House may bee done with as much lenity, as much moderation, as the publick safety of the King and Kingdome can possibly admit.

Ano-

Another Speech of Sir *Benjamin Rudyer*, in the High Court of *Parliament*.

Mr. Speaker,

I *will become us thankfully to acknowledge the prudent and pinfull endeavours of my Lords, the Peeres, Commissioners intreating with the Scots, in mediating with the King: whereby (God assisting) wee are now probably drawing neare to a blessed peace.*

His Majesty in his Wisedome and Goodnesse, is graciously pleased to give his royall assent to their Acts of Parliament, wherein the Articles of their Assembly are likewise included: Insomuch as their Religion, their Lawes, their Libertics are ratified and established: Besides, their Grievances relieved, and redressed; For which Wee use to give the King Money, and are still ready to doe it. This (although it be a large) yet it is not received as a full satisfaction.

Besides, when They came into England, *they published in a Remonstrance, That they would take nothing of the English, but what they would pay for, or give security. We have defrayed them hitherto, and are provided to doe it longer.*

They did well remember, that we assisted them in the time

time of their Reformation: And it is not to be forgotten, that we did beare our owne charges.

Concerning mutuall Restitution of Ships, and Goods, My Lords the Commissioners have very fairely and discreetly accommodated that particular already.

As for inferentiall consequentiall dammages, such a Representation would but minister unacceptable matter of Difference and Contestation, which amongst friends ought to be warily and wisely avoyded.

We could alleadge and truely too, That Northumberland, New-Castle, and the Bishopprick, will not recover their former state these twenty yeares. We have heard it spoken here in this house, by an understanding knowing member in the particular, that the Coale-Mines of New-Castle will not be set right againe for one hundred thousand pounds; besides the over-price of Coales which all the while it hath, and will cast this City, and other parts of the Kingdome. A great deale more of this nature might be rehearsed, but I delight not to presse such over-stretched Arguments. Let us on both sides rather thanke God, by proceeding in the way he hath laid before us, and not wry his way to ours. Time and his Blessing will repaire all our implicit Dammages, with many prosperous explicite advantages.

They say, that they doe not make any formall demand; But they doe make a summe to appeare, five hundred and fourteene thousand pounds, more than ever was given the King at once. A portentous Apparition! which shewes it selfe in a very dry time, when the King's revenue is totally exhausted, his Debts excessively multiplied, the Kingdom generally impoverished, by grievous burthens, and disordered Courses: All this supply is to be drawne out of us onely, without the least helpe from any of his Majesties other Dominions: which to my seeming will be an utter draining of the people; unlesse England bee Puteus inexhaustus, as the Popes were wont to call it.

Not-

Notwithstanding Sir, now that I have in part opened the state we are in, I hardly nothing so earnestly as they have done themselves: I shall most willingly and heartily afford the Scots what soever is just, Equitable and Honourable, even to a convenient, considerable round summe of Money, towards their losses and expences, That we may goe off with a friendly and handsome loss. If they reject it, we shall improve our Cause.

It was never yet thought Mr. Speaker, any great wisedome over-much to trust a successful Sword. A man that walkes upon a rising ground, the further he goes, the larger is his Prospect. Successe inlarges mens desires, extends their ambition, it breeds thoughts in them they never thought before; This is naturall and usuall.

But the Scots being truely touched with Religion, according to their profession, that onely is able to make them keep their words: for Religion is stronger and wiser than Reason, or Reason of State.

Beyond all this, Mr. Speaker, the remarkable Traces of Gods wonderfull Providence in this strange worke, are so many, so apparant, as I cannot but hope almost to believe: That the same all-governing merciefull hand, will conduct and lead us to a happy Conclusion, will contract a closer firmer union betweene the two Nations, than any meere humane Polisy could ever have effected: which inestimable Benefits to both, in advancing the truth of Religion, in exalting the greatnesse of the King, in securing the peace of his Kingdomes against all Malicious, Envious, Ambitious opposites, to Religion, to the King, to his Kingdomes; wherein I presume, all our desires and prayers doe meet.

Ano-

Another Speech of Sir *Benjamin Rudyer* in the High Court of *Parliament.*

Mr. Speaker,

I Do verily believe, that there are many of the Clergie in our Church, who doe think the simplicity of the Gospell, too mean a vocation for them to serve in: They must have a specious, pompous, sumptuous Religion, with additionalls of Temporall greatnesse, Authority, Negotiation: Notwithstanding, they all know better than I, what Fathers, Schoolemen, Councells are against their mixing themselves in secular affaires.

This Roman *Ambition will at length bring in the* Roman *Religion, and at last a haughty insolence even against supreame power it selfe, if it bee not timely and wisely prevented.*

They have amongst them an Apothegm of their owne making, which is, No Miter, no Scepter, *when wee know by deare experience, that if the Mitre be once in danger, they care not to throw the Scepter after, to confound the whole Kingdome for their interest.*

And Histories will tell us, that whensoever the Clergie went high, Monarchy still went lower: If they could

not make the Monarch the head of their owne Faction, they would be sure to make him lesse e witnesse one example for all, The Popes working the Emperour out of Italy.

Some of ours, as soone as they are Bishops adepto fine, cessatis Motus, *They will preach no longer, their office then is to governe. But in my opinion they governe worse than they Preach, though they preach not at all; for wee see to what passe their government hath brought us.*

In conformity to themselves, They silence others also, though Hierom *in one of his Epistles saith, that even a Bishop, let him be of never so blamelesse a life, yet he doth more hurt by by his licence, then he can doe good by his example.*

Mr. Speaker, *It now behooves us, to restraine the Bishops to the duties of their Function, as they may never more hanker after heterogeneous extravagant employments: Not be so absolute, so single and solitary in actions of Moment, as Excommunication, Absolution, Ordination, and the like; but to joyne some of the Ministry with them, and further to regulate them according to the usage of Ancient Churches, in the best times, that by a well-temper'd Government, they may not have power hereafter, to corrupt the Church, to undoe the Kingdome.*

When they are thus circumscribed, and the publique secur'd from their Eruptions, then shall not I grudge them a liberall plentifull subsistence: else I am sure they can never be given to Hospitality.

Although the calling of the Clergie be all glorious within, yet if they have not a large, considerable, outward support, they cannot be freed from vulgar Contempt.

It will alwaies be fit, that the flourishing of the Church should hold proportion with the flourishing of the Commonwealth, wherein it is. If we dwell in houses of Cedar, why should they dwell in skins? And I hope, I shall never see a good Bishop left worse than a Parson without a Gleab.

Certain-

Certainly Sir, this superintendencie of eminent men, Bishops over divers Churches, is the most Primitive, the most spreading, the most lasting Government of the Church. Wherefore whilest we are earnest to take away Innovations, let us beware wee bring not in the greatest Innovation that ever was in England.

I doe very well know, what very many doe very fervently desire. But let us well bethinke our selves, whether a popular Democraticall Government of the Church (though fit for other places) will be either suitable or acceptable to a Regall, Monarchicall Government of the State.

Every man can say, (It is so common and knowne a Truth) that suddaine and great changes both in naturall and Politick bodies have dangerous opperations: and give mee leave to say, that we cannot presently see to the end of such a consequence, especially in so great a Kingdome as this, and where Episcopacie is so wrap'd and involv'd in the Lawes of it.

Wherefore Mr. Speaker, *my humble Motion is, that we may punish the present offenders, reduce, and preserve the Calling for better men hereafter. Let us remember with fresh thankfulnesse to* God, *those glorious Martyr-Bishops who were burn'd for our Religion in the times of Popery, who by their learning, zeale, and constancy, upheld and conveyd it downe to us.*

We have some good Bishops still, who doe Preach every Lords Day; and are therefore worthy of double honour; they have suffered enough already in the Disease: I shall bee sorry we should make them suffer more in the Remedy.

A meſſage delivered from the Commons to the Lords of the Vpper Houſe in Parliament, by Mr. *Pym*, *Novemb.* 11. 1640.

My Lords:

THe Knights, Citizens, and Burgeſſes, now aſſembled for the Commons in Parliament, *have received information of divers traiterous deſignes and practices of a great Peere of this Houſe; and by vertue of a command from them, I doe here, in the name of the Commons now aſſembled in* Parliament, *and in the name of all the Commons of* England, *accuſe* Thomas *Earle of* Strafford, *Lo. Lieutenant of* Ireland, *of high Treaſon: and they have commanded me further, to deſire your Lordſhips that he may be ſequeſtred from* Parliament, *and forthwith committed to priſon. They have further commanded mee, to let you know that they will within a very few dayes reſort to your Lordſhips, with the particular Articles and grounds of this accuſation. And they doe further deſire, that your Lordſhips will thinke upon ſome convenient and fit way, that the paſſage betwixt* England *and* Ireland, *for his Majeſties ſubjects of both Kingdomes, may be free, notwithſtanding any reſtraint to the contrarie.*

The Lord Lieutenant being required to withdraw, and after a debate thereof called in, kneeled at the Bar, and after ſtanding up, the L. Keeper ſpake as followeth.

My Lord of Strafford:

THe Houſe of Commons in their owne name, and in the name of the whole Commons of England, *have*

this day accused your Lordship to the Lords of the Higher House of Parliament *of high treason. The articles they will within a very few dayes produce: In the meane time they have desired of my Lords, and my Lords have accordingly resolved, that your Lordship shall be committed to safe custody to the Gentleman Usher, and be sequestred from the House, till your Lordship shall cleare your selfe of the accusations that shall be laid against you.*

Articles of the Commons assembled in Parliament, against *Thomas* Earle of *Strafford*, in maintenance of his accusation, whereby he stands charged of High Treason.

I.

THat he the said Thomas, *Earle of* Strafford, *hath traiterously endevoured to subvert the fundamentall Lawes and government of the Realmes of* England *and* Ireland, *and in stead thereof to introduce an Arbitrary and Tyrannicall Government against Law, which hee hath declared by traiterous words, counsels, and actions, and by giving his Majesties advice, by force of Armes; to compell his loyall Subjects to submit thereunto.*

2. *That hee hath traiterously assumed to himselfe Regall power over the lives, liberties, persons, lands, and goods of his Majesties Subjects in* England *and* Ireland, *and hath exercised the same tyrannically, to the subversion*

and

and undoing of many, both of Peeres and others of his Majesties Liege people.

3. That the better to enrich and enable himselfe to goe thorow with his traiterous designes, hee hath detained a great part of his Majesties revenue, without giving legall account; and hath taken great summes out of the Exchequer, converting them to his owne use, when his Majestie was necessitated for his owne urgent occasions, and his Army had beene a long time unpaid.

4. That he hath traiterously abused the power and authoritie of his government, to the encreasing, countenancing, and encouraging of Papists, that so hee might settle a mutuall dependance and confidence betwixt himselfe and that partie, and by their help prosecute, and accomplish his malicious and tyrannicall designes.

5. That hee hath maliciously endevoured to stir up enmitie and hostilitie between his Majesties subjects of England, and those of Scotland.

6. That he hath traiterously broken the great trust reposed in him by his Majestie, of Lieutenant Generall of his Army, by wilfully betraying divers of his Majesties Subjects to death, his Army to a dishonourable defeat by the Scots at Newbern, and the Towne of New-Castle into their hands, to the end, that by the effusion of blood, by dishonour, and so great a losse of New-Castle, his Majesties Realms of England might be engaged in a Nationall and irreconciliable quarrell with the Scots.

7. That to preserve himselfe from being questioned for those and other his traiterous courses, hee laboured to subvert the right of Parliaments, and the ancient course of Parliamentarie proceedings, and by false and malicious slanders to incense his Majestie against Parliaments. By which words, counsels, and actions, hee hath traiterously, and contrary to his allegiance, laboured to alienate the hearts of the Kings Liege people from his Majestie, to set a division betweene them, and to ruine and destroy his

Majesties

Majesties Kingdomes, for which they impeach him of high Treason against our Soveraigne Lord the King, his Crown and dignitie.

8. *And the said Earle of Strafford the Lord Deputie of Ireland, and Lieutenant Generall of the Army there, viz. His most excellent Majestie, for his Kingdomes both of England and Ireland, and the L. President of the North, during the time that all and every the crimes and offences before set forth were done and committed, and for the said Earle was Lieutenant Generall of all his Majesties army in the North parts of England, during the time that the crimes and offences in the fifth and sixth articles set forth were done and committed.*

9. *And the said Commons by protestations, saving to themselves the liberty of exhibiting at any time hereafter any other accusation or impeachment against the said Earle, and also of replying to the answers that he the said Earle shall make unto the said articles, or to any of them, and of offering proofs also of the premisses, or any of them, or any other impeachment or accusation that shall be exhibited by them, as the cause shall according to the course of Parliaments require, doe pray that the said Earle may be put to answer for all and every the premisses, that such proceedings, examinations, tryals, and judgements may be upon every of them had and used, as is agreeable to Law and Justice.*

The

The further impeachment of Thomas Earle of Strafford by the Commons assembled in Parliament.

1640.

WHereas the said Commons have already exhibited Articles against the said Earle formerly expressed, &c. Now the said Commons do further impeach the said Earle as followeth, &c.

1. That he the said Earle of Strafford the 12. day of March, in the 8. yeare of his now Majesties Reign, was president of the Kings Counsell in the Northerne parts of England.

That the said Earle being president of the said Counsell, on the 21. day of March a Commission under the great Seal of England, with certaine Schedules of instructions thereunto annexed, was directed to the said Earle, & others the Commissioners therein named, whereby amongst other things power and authority is limited to the said Earle, and others the Commissioners therein named, to heare and determine all offences, and misdemeanors, suits, debates, controversies and demaunds, causes, things and matters whatsoever therein contained, and within certaine precincts in the said Northerne parts therein specified, and in such manner as by the said Schedule is limited and appointed.

That amongst other things in the said instructions, it is directed that the said President and others therein appointed, shall heare and determine according to the course of proceedings in the Court of Starchamber, divers offences, decrees, and falsities therein mentioned, whether the same be provided for by the Acts of Parliament, or not, so that the Fines imposed be not lesse then by Act or Acts of

of Parliament provided for by those offences is appointed

That also amongst other things in the said instructions, it is directed that the said president and others therein appointed, have power to examine, heare, and determine, according to the course of proceedings in the Court of Chancery, *all manner of complaints for any matter within the said precincts, as well concerning lands, tenements, and hereditaments, either free-hold, customary, or coppy-holde, as Leases, and other things therein mentioned, and to stay proceedings in the Courts of Common Law by Injunction, or otherwise, by all wayes and meanes, as is used in the Court of Chancery.*

And although the former Presidents of the said Counsell had never put in practise such Instructions, *nor had they any such* Instructions, *yet the said Earle in the month of May in the said* 8. *yeare, and divers years following, did put in practise, exercise, and use, and caused to be used and put in practise the said* Commission and Instructions, *and did direct and exercise an exorbitant and unlawfull power and jurisdiction on the persons and estates of his Majesties subjects in those parts, and did disinherit divers of his Majesties subjects in those parts of their inheritances, sequestred their possessions, and did fine, ransome punish and imprison them, and caused them to be fined, ransomed, punished and imprisoned, to their ruine and destruction and namely,* Sir Conier Darcy, Sir Iohn Beaucher *and divers others against the Lawes, and in subversion of the same. And the said Commission and Instructions were procured and issued by the advice of the said Earle.*

And he the said Earle, to the intent that such illegall & unjust power might be exercised with the greater licence and will did advise, Counsell, & procure further directions, in and by the said instructions to be given, that no prohibition be granted at all, but in cases where the said Counsell shall exceed the limits of the said instructions: And that if any Writ of Habeas Corpus *be granted, the party be not discharged till the party performe the Decree and Order of the said Counsell.*

And the ſaid Earle in the 13. yeare of his now Majeſties Reigne, did procure a new Commiſſion to himſelfe and others therein appointed, with the ſaid Inſtructions, and other unlawfull additions.

That the ſaid Commiſſion and Inſtructions were procured by the ſolicitation and advice of the ſaid Earle of Strafford.

2. *That ſhortly after the obtaining of the ſaid Commiſſion dated the* 21 *of* March, *in the* 8 *yeare of his now Majeſties Reigne (to wit) the laſt day of* Auguſt *then next following, he the ſaid Earle (to bring his Majeſtie's liege people into a diſlike of his Majeſtie and of his Government, and to terrifie the Iuſtices of the Peace from executing of the Lawes: He the ſaid Earle, beeing then Preſident, as aforeſaid, and a Iuſtice of Peace) did publiquely at the Aſſiſes held for the County of* Yorke, *in the City of* Yorke, *in and upon the ſaid laſt day of Auguſt, declare and publiſh before the people there attending for the adminiſtration of Iuſtice according to the Law, & (in the preſence of the Iuſtices ſitting;* That ſome of the Juſtices were all for Law, but they ſhould finde that the Kings little finger ſhould be h.avier then the loynes of the Law.

3. *That the Realme of Ireland having been time out of minde annexed to the Imperiall Crowne of* England, *and governed by the ſame Lawes: The ſaid Earle being Lord Deputy of that Realme, to bring his Majeſties liege people of that Kingdome likewiſe into diſlike of his Majeſties government, and intending the ſubverſion of the fundamental Lawes and ſetled government of that Realme, and the diſtraction of his Majeſties liege people there, did upon the* 30. *day of September, in the ninth yeare of his now Majeſties Reigne, in the Citie of* Dublin (*the chiefe Citie of that Kingdome, where his Majeſties privie Counſell, and Courts of Iuſtice doe ordinarily reſide, and whither the Nobility and Gentry of that Realme doe uſually reſort for Iuſtice,*) *in a publike Speech before divers of the Nobility*

bility and Gentry, and before the Major, Aldermen and Recorder, and many Citizens of Dublin, *and other his Majesties Liege people, declare and publish, that* Ireland was a conquered Nation, and that the King might doe with them what he pleased: and speaking of the Charters of the former Kings of England made to that Citie, he further said that their Charters were nothing worth, and did binde the King no further then hee pleased.

4. *That* Richard *Earle of* Corke, *having sued out processe in course of Law for recovery of his possessions, from which he was put by colour of an order made by the said Earle of* Strafford, *and the Counsell Table of the said Realme of Ireland. The said Earle of Strafford, upon a paper petition without legall proceeding, did the* 20. *day of February, in the* 11. *yeare of his now Majesties Reigne, threaten the said Earle of* Corke (beeing then a Peere of the said Realme) *to imprison him, unlesse he would surcease his suit, and said*, That he would have neither Law nor Lawyers dispute or question any of his orders. *And the* 20. *day of* March *in the said* 11. *year of the said Earle of* Strafford, *speaking of an order of the said Counsell Table of that Realme, in the time of King* James, *which concerned a Lease which the said Earle of* Corke *claimed in certaine rectories or tithes which the said Earle of* Cork *alleged to be of no force, said*, That he would make the said Earle, and all *Ireland* know, so long as hee had the government there, any Act of State, there made or to bee made, should bee as binding to the Subjects of that Kingdome, as an Act of Parliament; And did question the said Earle of *Corke* in the Castle Chamber, upon pretence of the breach of the said order of Counsell Table, and diverse other times, and upon sundry other occasions, by his words and speeches arrogate to himselfe a power above the fundementall Lawes, and established Government of that Kingdome, and scorned the said Lawes and established government.

5 *That according to such his Declarations and Speeches, the said Earle of Strafford* did use and exercise a power above, and against, and to the subversion of the said fundamentall Laws, and established government of the said Realme of *Ireland*, extending such his power, to the goods, free holds, inheritances, liberties, and lives of his Majesties Subjects in the said Realme, *viz.* The said Earle of *Strafford* the twelfth day of *December*, *Anno Domini* 1635. in the time of full peace, did in the said Realme of Ireland, give and procure to bee given against the Lord *Mount Norris* (then and yet a Peere of *Ireland*, and then Vice-Treasurer and receiver generall of the Realme of *Ireland*, and one of the principall Secretaries of State, and Keeper of the privy Signet of the said Kingdome, a sentence of death by a Councell of warre called together by the said Earle of *Strafford*, without any warrant or authority of Law, or offence deserving any such punishment. And hee the said Earle did also at *Dublin*, within the said Realm of *Ireland*, in the Month of *March*, in the fourteenth yeare of his Majesties Reigne without any legall or due proceedings or tryall, give, or cause to bee given, a sentence of death against one other of his Majesties Subjects, whose name is yet unknowne, and caused him to be put to death in execution of the said sentence.

6 *That the said Earle of* Strafford, *without any legall proceedings, and upon a paper Petition of Richard Ralstone*, did cause the said Lord *Mount-Norris* to be disseized and put out of possession of his free-hold and inheritance of his *Manner* and *Tymore* in the Countrey of *Armagh*, in the Kingdome of *Ireland*, the said Lord *Mount-Norris* having beene two yeares before in quiet possession thereof.

7 *That the said Earle of* Strafford, *in the Terme of holy Trinity, in the thirteenth yeare of his now Majesties Reigne*, did cause a case, commonly called *the case of*

Tenures

Tenures upon defective Titles, to be made and drawne up without any jury or tryall, or other legall proceſſe, and without the conſent of parties, and did then procure the Iudges of the ſaid Realme of *Ireland* to deliver their opinions and reſolutions to that caſe, and by colour of ſuch opinion, did without any legal proceeding cauſe *Thomas* Lord *Dillon*, a Peere of the ſaid Realme of *Ireland*, to be put out of poſſeſſion of divers Lands, and Tenements, being his free-hold in the Countrey of *Mago* and *Roſecomen*, in the ſaid Kingdome, and divers other of his Majeſties Subjects to be alſo put out of poſſeſſion, & diſſeized of their free-hold by colour of the ſame reſolution, without legall proceedings, whereby many hundreds of his Majeſties ſubjects were undone, and their families utterly ruinated.

8. *That the ſaid Earle of* Strafford *upon a Petition of Sir* Iohn Gifford *Knight, the firſt day of* February, *in the ſaid thirteenth yeare of his Majeſties reigne, without any legall Proceſſe*, made a Decree or Order againſt *Adam* Viſcount *Loſts* of *Elie*, a Peere of the ſaid Realme of *Ireland*, and L. *Chancellor* of *Ireland*, & did cauſe the ſaid Viſcount to be impriſoned and kept cloſe priſoner, on pretence of diſobedience to the ſaid Decree or order.

And the ſaid Earle without any authority, and contrary to his Commiſſion, required and commanded the ſaid Lord Viſcount to yeeld unto him the great Seale of the Realme of Ireland, which was then in his cuſtody, by his Majeſties command, and impriſoned the ſaid Chancellour for not obeying ſuch his command.

And without any legall proceedings, did in the ſame thirteenth yeare impriſon *George* Earle of *Kildare*, a Peere of *Ireland*, againſt Law, thereby to enforce him to ſubmit his Title to the Manner and Lordſhip of Caſtle Leigh in the Queens County, (being of great yearely value) to the ſaid Earle of *Straffords* will and pleaſure, and kept him a yeare priſoner for the ſaid

cause, two moneths whereof hee kept him close prisoner, and refused to enlarge him, notwithstanding his Majesties Letters for his enlargement to the said Earle of *Strafford* directed.

And upon a Petition exhibited in October, 1635. by *Thomas Hibbots*, against dame *Mary Hibbots* widdow, to him the said Earle of *Strafford*, the said Earle of *Strafford* recommended the said Petition to the Counsell Table of *Ireland*, where the most part of the Counsell gave their vote and opinion for the said Ladie, but the said Earle finding fault herewith, caused an order to be entred against the said Lady, and threatned her that if shee refused to submit thereunto, hee would imprison her, and fine her five hundred pounds, that if she continued obstinate, hee would continue her imprisonment, and double her fine every moneth by moneth, whereof shee was enforced to relinquish her estate in the land questioned in the said Petition, which shortly was conveyed to Sir *Robert Meredith*, to the use of the said Earle of *Strafford*.

And the said Earle in like manner did imprison divers others of his Majesties Subjects upon pretence of disobedience to his orders and decrees, and other illegall command by him made for pretended debts, tirles of Lands, and other causes in an arbitrary and extrajudiciall course upon Paper Petitions to him preferred, and no other cause legally depending.

9 That the said Earle of *Strafford* the sixteenth day of *February*, in the twelfth yeare of his now Majesties Reigne, assuming to himselfe a power above and against Law, tooke upon him by a generall *Warrant* under his hand, to give power to the Lord Bishop of *Down*, and *Connor* his Chancellour, or Chancellors, to their severall Officers thereto to bee appointed, to attach and arrest the Bodies of all such of the meaner and poorer sort, who after Citation should either refuse to

appeare

appeare before them, or appearing should omit, or denie to performe, or undergoe all lawfull Decrees, Sentences, and orders, issued, imposed, or given out against them, & them to commit and keep in the next Goal, untill they should either performe such sentences, or put in sufficient Baile to shew some reason before the Counsell Table [illegible] contempt and neglect: and the said Earle, the day and yeare last mentioned, signed and issued a Warrant to that effect, and made the like Warrant to send to all other Bishops and their Chancellours in the said Realme of Ireland to the same effect.

10 *That the said Earle of* Strafford *being Lord Lieutenant, or Deputy of* Ireland, procured the Customes of the Merchandize exported out, and imported into that Realme to be farmed to his owne use.

And in the ninth yeare of his now Majesties Reigne, hee having then interest in the said Customes (to advance his owne gaine and lucre) did cause and procure the native commodities of *Ireland*, to bee rated in the booke of Rates for the Customes (*according to which the Customes were usually gathered*) at farre greater values and prices than in truth they were worth (*that is to say*) every Hide at twenty shillings, which in truth was worth but five shillings, every stone of Wooll at thirteene shillings four-pence, though the same ordinarily were worth but five shillings, at the utmost but nine shillings; by which meanes the Custome, which before was but a twentieth part of the true value of the commoditie, was inhanced sometimes to a fift part, and sometimes to a fourth, and sometimes to a third part of the true value, to the great oppression of the Subjects, and decay of *Merchandize*.

11 *That the said Earle, in the ninth yeare of his now Majesties reigne*, did by his owne will and pleasure, and for his owne lucre restraine the exportation of the com-

commodities of that Kingdome without his licence, *as namely Pipe-ſtaves*, and other commodities, and then raiſed great ſummes of money for licenſing of exportation of thoſe Commodities, and diſpenſation of the ſaid reſtraints impoſed on them, by which meanes the *Pipe-ſtaves* were raiſed from foure pound ten ſhillings; or five pound *per* thouſand to ten pound, and from [illegible] eleven pound *per* thouſand; and other commodities were inhanced in the like proportion, and by the ſame meanes by him the ſaid Earle.

12 *That the ſaid Earle being* Lord Deputy of Ireland, *on the ninth day of* January *in the thirteenth yeare of his Majeſties Reigne*, did then under colour to Regulate the Importation of Tobacco into the ſaid Realme of *Ireland*, iſſue a Proclamation in his Majeſties Name, prohibiting the importation of Tobacco without licence of him and the Counſell, thereafter after the firſt day of *May*, *Anno Dom.* 1638. after which reſtraint the ſaid Earle, notwithſtanding the ſaid reſtraint, cauſed divers great quantities of Tobacco to bee imported to his owne uſe, and fraughted divers ſhips with Tobacco, which he imported to his own uſe, and that if any ſhip brought Tobacco into any Port there, the ſaid Earle and his Agents uſed to buy the ſame to his owne uſe, at their owne price. And if that the owners refuſed to let him have the ſame at under-values, then they were not permitted to vent the ſame; by which unjuſt meanes, the Earle having gotten the whole Trade of Tobacco into his owne hands, he ſold it at great and exceſſive prizes, ſuch as he liſt to impoſe for his owne profit.

And the more to aſſure the ſaid Monopoly of Tobacco, he the ſaid Earle on the ſixteenth and twentieth day of February, in the thirteenth yeare aforeſaid, did iſſue another Proclamation, commanding that none ſhould put to ſale any Tobacco by whole-ſale, from and after the laſt day of *May*, then next following, but what ſhould be made

up

up into Rolls, and the same Sealed with two Seales by himselfe appoynted, one at each end of the Roll. And such was not sealed to bee seized, appoynting sixe pence the pound for a reward to such persons as should seize the same: and the persons in whose custody the unsealed Tobacco should bee found, to bee committed to Goale, which last Proclamation was covered by a pretence for the restraining of the sale of unwholsome Tobacco, but it was truely to advance the said Monopoly.

Which Proclamation, the said Earle did rigorously put in execution, by seizing the goods, fining, imprisoning, whipping, and putting the offenders against the same Proclamation on the Pillory, as namely *Barnaby Hubbard*, *Edward Covena*, *John Tumen*, and divers others: and made the Officers of State, and Iustices of Peace, and other Officers to serve him in compassing and executing these unjust and undue courses, by which Cruelties and unjust Monopolies, the said Earl raised 100000 *li. per annum* gain to himself. And yet the said Earle though he inhanced the Customes, where it concerned the Merchants in general, yet drew down the impost formerly taken on Tobacco from sixe pence the pound to three pence the pound, it being for his owne profit so to doe.

And the said Earle, by the same, and other rigorous and undue meanes, raised severall other Monopolies and unlawfull exactions for his owne gaine, *viz.* on Starch, Iron-pots, Glasses, Tobacco-pipes, and severall other commodities.

13 That flaxe being one of the principall and native Commodities of that Kingdome of *Ireland*, the said Earle having gotten great quantities thereof into his hands, and growing on his owne Lands, did issue out severall Proclamations, *viz.* one dated the one and twentieth day of *May*, in the eleventh of his Majesties raigne, and the other dated the one and thirtieth day

of *January*, in the ſame yeare, thereby preſcribing and injoyning the working of Flaxe into Yearne and Thread, and the ordering of the ſame in ſuch wayes wherein the Natives of that Kingdome were unpractiſed and unskilfull: which Proclamations ſo iſſued, were by his Commands and Warrants to his Majeſties Juſtices of Peace, and other officers, and by other rigorous meanes put in execution, and the Flaxe wrought or ordered in other manner than as the ſaid Proclamation preſcribed, was ſeized and employed to the uſe of him and his agents, and thereby the ſaid Earle endeavoured to gaine, and did gaine in effect the ſole ſale of that native commodity.

15 That the ſaid Earle of *Strafford*, by Proclamation dated the ſixteenth of *October*, in the fourteenth yeare of his Majeſties Raigne, did impoſe upon the Owners, Maſters, Purſers, and Boat-ſwaines of every ſhip, a new and unlawfull Oath, *viz.* that they (two or more of them) immediately after the arrivall of any ſhip within any Port or Creek in the ſaid Kingdom of *Ireland*, ſhould give in a true in-voyce of the outward bulke of Wares and Merchandiſes and number of goods, and the qualities and condition of the ſaid goods, as farre as to them ſhould bee knowne, the names of the ſeverall Merchants proprietours of the ſaid goods, and the places from whence they were fraughted, and whither they were bound to diſcharge: which Proclamation was accordingly put in execution. and ſundry perſons enforced to take the ſaid unlawfull Oath.

15 *That the ſaid Earle of* Strafford *trayterouſly and wickedly deviſed and contrived by force of Armes in a warlike manner to ſubdue the ſubjects of the ſaid Realme of* Ireland, *to bring them under his tyrannicall power and will*, and in purſuance of his wicked and trayterous purpoſes aforeſaid, the ſaid Earle of *Strafford* in the eighth yeare of his Majeſties reigne, did by his owne authority, without any warrant or colour of Law, taxe

and

and impoſe great ſummes of money upon the Townes of *Baliemore*, *Bandenbridge*, *Talowe*, and divers other Townes and places in the ſaid Realme of *Ireland*, and did cauſe the ſame to bee leavied upon the inhabitants of thoſe Townes by troopes of Souldiers, with force and armes, in a warlike manner. And on the ninth day of *March*, in the twelfth yeare of his now Majeſties Reigne, trayterouſly did give authority unto *Robert Savile*, a Sarjeant at Armes, and to the Captains of the Companies of ſouldiers, in ſeverall parts of that Realm, to ſend ſuch numbers of ſouldiers to lye on the lands and houſes of ſuch as would not conforme to his orders untill they ſhould render obedience to his ſaid orders and warrants, and after ſuch ſubmiſſion (and not before) the ſaid Souldiers to returne to their Garriſons. And did alſo iſſue the like Warrants unto divers others, which Warrants were in warlike manner, with force and armes put in execution accordingly, and by ſuch warlike meanes did force divers of his Majeſties Subjects of that Realme, to ſubmit themſelves to his unlawfull commands.

And in the ſaid twelfth yeare of his Majeſties reigne, the ſaid Earle of *Strafford* did trayterouſly cauſe certaine troops of Horſe and Foot, armed in warlike manner, and in warlike aray, with force and Armes to expell *Richard Butler* from the poſſeſſion of *Caſtle-Cumber*, in the Territory of *Idough*, in the ſaid Realme of *Ireland*, and did likewiſe and in like warlike manner, expell divers of his Majeſties Subjects from their houſes, families, & poſſeſſions, as namely *Ed. Brenman*, *Owen Oberman*, *Patrick Oberman*, Sir *Cyprian Horsfield*, & divers others, to the number of about an hundred families, and took and impriſoned them and their wives, and carryed them priſoners to *Dublin*, and there detained them untill they did yield up, ſurrender, or releaſe their reſpective eſtates and rights.

And the ſaid Earle in like warlike manner, hath during his government of the ſaid Kingdome of Ireland, *ſubdued divers others of his Majeſties Subjects eaſily to his will, and thereby, and by the meanes aforeſaid, hath levied warre within the ſaid Realm againſt his Majeſty, and his liege people of that Kingdome.*

16 That the ſaid Earle of *Strafford*, the two and twentieth of *February*, in the ſeventh yeare of his now Majeſties Reigne, intending to oppreſſe the ſaid ſubjects of Ireland, *did make a propoſition, and obtained from his Majeſtie an allowance, that no complaint of injuſtice or oppreſſion done in* Ireland, *ſhould be received in* England *againſt any, unleſſe it firſt appeared, that the party made firſt his addreſſe to him the ſaid Earle: and the ſaid Earle having by ſuch uſurped, tyrannicall, and exorbitant power, expreſſed in the former Articles, deſtroyed the Peeres and other Subjects of that Kingdome of* Ireland, *in their Lives, Conſciences, Land, Liberties, and Eſtates, the ſaid Earle to the intent the better to maintaine and ſtrengthen his power, and to bring the people into a diſaffection of his Majeſtie, as aforeſaid, did uſe his Majeſties name in the execution of his ſaid power.*

And to prevent the Subjects of that Realme of all meanes of complaints to his Majeſty, and of redreſſe againſt him and his agents, did iſſue a Proclamation, bearing date the ſeventeenth day of September, in the eleventh yeare of his Majeſties Reigne, thereby commanding all the Nobility, undertakers, and others who held eſtates and offices in the ſaid Kingdome, (except ſuch as were imployed in his Majeſties ſervice, or attending in England by his ſpeciall command) to make their perſonall reſidence in the ſaid Kingdome of Ireland, *and not to depart thence without licence of himſelfe.*

And the ſaid Earle hath ſince iſſued other Proclamations to the ſame purpoſe, by meanes whereof the Subjects of the ſaid Realme are reſtrained from ſeeking reliefe againſt the oppreſſi-

oppreſſions of the ſaid Earle, without his licence: which Proclamation the ſaid Earle hath by ſeverall rigorous wayes, as by fine, impriſonment, and otherwiſe, put in execution on his Majeſties Subjects, as namely, one — Parry and others, who came over onely to complain of the exorbitances and oppreſſions of the ſaid Earle.

17 That the ſaid Earle having by ſuch meanes as afore-ſaid, ſubverted the Government and Lawes of the Kingdome of *Ireland*, did in March in the ſixteenth yeare of his Majeſties Reigne, *in ſcandall of his Majeſty, of all his Kingdomes, and in further Execution of his wicked purpoſes aforeſaid, ſpeaking of the Armies in Ireland, declare, that his Majeſty was ſo well pleaſed with the Army of* Ireland, *and the conſequence thereof, that his Majeſty would certainly make the ſame a patterne for all his three Kingdomes.*

18 That the ſaid Earle of Strafford, for the better effecting of his traiterous deſignes, and wicked purpoſes, *did indevour to draw dependency upon himſelfe of the Papiſts in both Kingdomes of* England *and* Ireland, *and to that end during the time of government in* Ireland, *he reſtored divers* Frieries, *and Maſſe-houſes, (which had beene formerly ſuppreſſed by precedent Deputies of that Kingdome, two of which houſes were in the City of* Dublin, *and had beene aſſigned to the uſe of the Univerſity there) to the pretended owners thereof, who have ſince imployed the ſame to the exerciſe of the Popiſh Religion.*

And in the Moneth of *May* and *June* laſt, the ſaid Earle did raiſe an Armie in the ſaid Realme of *England* conſiſting of eight thouſand foot, all of which, except one thouſand, or thereabouts, were Papiſts, and the ſaid one thouſand were drawne out of the old Army there, conſiſting of two thouſand foote, and in their places there were a thouſand Papiſts, or thereabouts put into the ſaid old Army by the ſaid Earle.

And the more to ingage and tye the new Army of Papists to himselfe, and to incourage them, and to discourage and weare out the old Armie, the said Earle did so provide; That the said new Army of Papists were duly payed, and had all necessaries provided for them, and permitted the exercise of their Religion, but the said old Army were for the space of one whole yeare and upwards unpaid.

And that the said Earle being appointed a Commissioner with eleven severall Counties in the Northern parts of England, *for compounding with Recusants for their forfeitures due to his Majesty*; which Commission beareth date the eighth day of *July*, in the fifth yeare of his Majesties Reigne that now is, and being also Receiver of the Composition Money thereby arising, and of other debts, Duties, and penalties for his Majesties use, by Letters Patents dated the 9. day of the said *July*: he, to engage the said Recusants to him, *did compound with with them at low and under rates, and provided, that they should bee discharged of all proceedings against them, in all his Majesties Courts, both temporall and Ecclesiasticall, in manifest breach of, and contrary to the Lawes and Statutes of this Realme, in that behalfe established.*

19 *That the said Earle having taxed and levied the said impositions, and raised the said Monopolies, and committed the said oppressions in his Majesties name, and as by his Majesties Royall command, he the said Earle in May the 15 yeare of his Majesties Reigne, did of his owne authority contrive and frame a new and unusuall oath, by the purport whereof among many other things, the party taking the said oath, was to sweare that he should not protest against any of his Majesties royall commands, but submit themselves in all obedience thereunto. Which oath he so contrived to enforce the same on the subjects of the Scottish Nation, inhabiting in Ireland, and out of a hatred to the said Nation,*

and

and to put them to a discontent with his Majesty, & his government there, and compelled divers of his Majesties said subjects there to take the said oath, some he grievously fined and imprisoned, and others he destroyed and exiled, and namely the 10 of October, Anno Dom. 1639. He fined Henry Steward *and his wife, who refused to take the said oath, 5000 pounds a piece, and their 2. daughters and* James Gray, 3000. *pounds a piece, and imprisoned them for not paying the said fines. The said* Henry Stewards *wife and daughters, and* James Gray, *being the Kings liege people of the Scottish Nation, and divers others he used in like manner, and the said Earle upon that occasion did declare, that the said oath did not onely oblige them in point of allegiance to his Majesty, and acknowledgement of his Supremacie only, but to the Ceremonies and government of the Church established; or to be established by his Majesties Royall authoritie; and said, that the refusers to obey, he would prosecute to the blood.*

20 *That the said Earle in the 15. and 16. yeares of his Majesties Reigne, and divers yeares past, laboured and endevoured to beget in his Majestie an ill opinion of his subjects, namely, those of the Scottish Nation, and diverse and sundry times, and especially since the Pacification made by his Majestie with his said Subjects of Scotland in Summer, in the 15 yeare of his Majesties Reigne; he, the said Earle did labour and endeavour to perswade, incite, and provoke his Majestie to an offensive warre against his said Subjects of the Scottish Nation: And the said Earle, by his counsell, actions, and endeavours, hath beene and is a principall and chiefe incendiary of the warre and discord betweene his Majestie and his Subjects of England, and the said Subjects of Scotland, and hath declared and advised his Majesty, that the demand made by the Scots in this Parliament were a sufficient cause of warre against them*

The said Earle having formerly expressed the height &

rancor

rancor of his minde towards his Subjects of the Scottish Nation, viz. the tenth day of October, in the 15. yeare of his Majesties Reigne, he said that the Nation of the Scots were rebels, and traytors, and hee beeing then about to come to England, he then further said, that if it pleased his Master (meaning his Majesty) to send him backe againe, hee would root out of the said Kingdome (meaning the Kingdom of Ireland) the Scottish Nation both root and branch.

Some Lords and others, who had taken the said oath in the precedent Article onely excepted: and the sayd Earle hath caused divers of the said ships and goods of the Scots to bee stayed, seized, and molested, to the intent to set on the said warre.

21. That the said Earle of Strafford, shortly after his speeches mentioned in the last precedent Article, to wit, in the fifteenth yeare of his Majesties Reigne, came into this Realme of England, and was made Lord Lieutenant of Ireland, and continued his government of that Kingdome by a Deputy: At his arrivall here, finding that his Majestie with much wisedome and goodnesse had composed the troubles in the North, and had made a Pacification with his Subjects of Scotland; he laboured by all meanes to procure his Majesty to breake that Pacification, incensing his Majesty against his Subjects of that Kingdome, and the proceedings of the Parliament there.

And having incensed his Majestie to an offensive war against his said Subjects of Scotland, by Sea and by Land, and by pretext thereof, to raise Forces for the maintenance of that war, he counselled his Majesty to call a Parlament in England, yet the said Earle intended, if the said proceedings of that Parliament should not be such as would stand with the said Earle of Straffords mischievous designes he would then procure his Majestie to breake the same; and by wayes of force and power, to raise monies upon the said subjects of this Kingdome.

And for the incouragement of his Majestie to hearken

to

their advice, he did before his Majesty and his privie Counsell, then sitting in Counsell, make a large Declaration, that he would serve his Majesty in any other way, in case the Parliament should not supply him.

22. *That in the month of March, before the beginning of the last Parliament, the said Earle of Strafford went into Ireland, and procured the Parliament of that Kingdome to declare their assistance in a war against the Scots. And gave directions for the raising of an Army consisting of 8000. foot, and 1000. horse, being for the most part Papists, as aforesaid. And confederating with one Sir George Radcliffe, did together with him the said Sir George, traytorously conspire to employ the said Army for the ruine and destruction of the Kingdome of England, and of his Majesties Subjects, and of altering and subverting of the fundamentall Lawes of this Kingdome.*

And shortly after, the said Earle of Strafford *returned into England, and to sundry persons declared his opinion to be,* that his Majesty should first try the Parliament here, and if that did not supply him according to his occasions, he might use then his Prerogative as he pleased, to levie what he needed, and that he should be acquitted both of God and man, hee tooke some other courses to supply himselfe, though it were against the will of his Subjects.

23. *That upon the thirteenth day of April last, the Parliament of* England *met, and the Commons house (then being the representative Body of all the Commons in the Kingdome) did according to the trust reposed in them, enter into debate and consideration of the great grievances of this Kingdome, both in respect of Religion, and the publike liberties of the Kingdome, and his Majestie referring chiefly to the Earle of* Strafford, *and the Archbishop of* Canterbury, *the ordering and disposing of all matters concerning the Parliament: He the said Earle of* Strafford, *with*

the assistance of the said Archbishop, did procure his Majesty by sundry speeches and messages, to urge the said Commons house to enter into some resolution for his Majesties supply, for maintenance of his warre against his Subjects of Scotland, before any course was taken for the reliese of the great and pressing grievances, wherewith this Kingdome was then afflicted. Whereupon a demand was then made from his Majesty of 12. Subsidies, for the releasse of ship-mony only, and while the said Commons then assembled (with expressions of great affection to his Majesties and his service) were in debate and consideration of some supply, before resolution by them made, he the said Earle of Strafford, with the helpe and assistance of the said Archbishop, did procure his Majesty to dissolve the last Parliament, upon the 5. day of May last: and upon the same day the said Earle of Strafford did treacherously, & falsly, and maliciously endeavour to incense his Majesty against his loving & faithfull Subjects, who had been members of the said house of Commons, by telling his Majesty, they had denyed to supply him. And afterward upon the same, did treacherously and wickedly counsell and advise his Majesty to this effect, viz. that having tryed the affections of his people, he was loose and absolved from all rules of government, and was to doe every thing that power would admit, and that his Majesty had tryed all ways and was refused, and should be acquitted both of God and man; & that he had an Army in Ireland (meaning the Army above mentioned, consisting of Papists, his dependents as is aforesaid) which he might imploy to reduce this Kingdome to obedience.

24. That in the same month of *May*, he the said Earl of Strafford, *falsly, treacherously, and maliciously, published and declared before others of his Majesties Privie Counsell, that the Parliament of* England *had forsaken the King, and that in denying to supply the King, they had given him the advantage to supply himself by other wayes:*

and

and divers other times he did maliciously, wickedly, and falsely publish and declare, that seeing the Parliament had refused to supply his Majesty in the ordinary and usuall way, the King might provide for the Kingdome in such waies, as he should hold fit, and that he was not to suffer himselfe to be mastered by the forwardnesse of the people.

And having so maliciously standered the said house of Commons, he did with the helpe and advice of the said Archbishop of Canterbury *and the Lord* Finch, *late Lord Keeper of the great Seal of* England: *cause to be printed, and published in his Majesties name, a false and scandalous book entituled,* his Majesties Declaration *of the causes that mooved him to dissolve the last Parliament, full of bitter and malicious invectives, and false, and scandalous aspersions against the said house of Commons.*

25 That not long after the dissolution of the said last Parliament, (*viz.* In the moneths of *May* and *Iune*) he the Earle of *Strafford, did advise the King to goe on rigorously in leavying the Ship-money, and did procure the Sheriffes of severall Countries to be sent for for not leavying the Ship-money, divers of which were threatned by him to be sued in the Starre-Chamber, and afterwards by his advice were sued in the Star-chamber, for not leavying the same, and divers of his Majesties loving Subjects were sent for and imprisoned by his advice, about that and other illegall payments.*

And a great loane of a hundred thousand pounds was demanded of the City of London, and the Lord Major, and the Aldermen and the Sheriffes of the said City, were often sent for by his advice to the Councell Table, to give an account of their proceedings in raising of Ship-money, and furthering of that loane, and were required to certifie the names of such Inhabitants of the said City as were fit to lend, which they with much humility refusing to doe, he the

said Earle of Strafford did use these or the like speeches, viz. That they deserved to be put to fine and Ransom, and that nothing would be done with them, till an example were made of them, and they were laid by the heeles, and some of the Aldermen hanged up.

36 *That the said Earle of Strafford by his wicked Counsell having brought his Majesty into excessive charges without any just cause, he did in the month of July last (for the support of the said great charges) counsell and approve two dangerous and wicked Projects: viz.*

To seize upon the Bullion, and the money in the Mint.

And to imbase his Majesties Coyne with the mixtures of Brasse.

And accordingly we procured one hundred and thirty thousand pounds which was then in the Mint, and belonging to divers Merchants, Strangers, and others, to bee seized on, and stayed to his Majesties use. And when divers Merchants of *London*, owners of the said Bullion, came to his house to let him understand the great mischiefe, that course would produce here, and in other parts, what prejudice it would bee to the Kingdome, by discredditing the Mint, and hindring the importation of Bullion: hee the said Earle told them, that the City of *London* dealt undutifully and unthankfully with his Majesty; and that they were more ready to helpe the Rebell than to helpe his Majesty: and that if any hurt came to them, they may thank themselves: and that it was the course of other Princes to make use of such monies to serve their occasions.

And when in the same Month of July, *the Officers of his Majesties Mint came to him and gave him divers reasons against the imbasing the said money, hee told them that the French King did use to send Commissaries of Horse with Commission to search into mens estates, and to peruse their accounts, so that they may know what to levie*

of

of them by force, which they did accordingly leavie; and turning to the Lord Cottingtoti, *then present, said,* That this was a poynt worthy his Lordships consideration.

27 *That in or about the Moneth of* August *last he was made Lieutenant Generall of all his Majesties Forces in the Northerne parts against the Scots, and being at* York, *did in the Moneth of* September *by his owne authority, and without any lawfull warrant, impose a Taxe on his Majesties Subjects in the County of* Yorke *of eight pence* per diem; *for maintenance of every Souldier of the Trayned bands of that County, which Summes of money hee caused to bee leavied by force. And to the end to compell his Majesties Subjects out of feare and terrour to yeeld to the payment of the same; He did declare that hee would commit them that refused the payment thereof, and the Souldiers should be satisfied out of their estates; and they that refused it, were in very little better condition than of High Treason.*

28 *That in the Moneth of* September *and* October *last, he the said Earle of* Strafford, *being certefied of the Scottish Army comming into the Kingdome, and hee the said Earle of* Strafford *being Lieutenant Generall of his Majesties Armie, did not provide to the defence of the Towne of* New-Castle, *as he ought to have done, but suffred the same to be lost, that so hee might the more incence the English against the Scots.*

And for the same wicked purpose, and out of a malicious desire to ingage the Kings kingdoms of England *and* Scotland *in a Nationall and bloody Warre, he did write to the Lord* Conway *the Generall of the Horse, and under the said Earles command, that hee should fight with the Scottish Army at the passage over the Tyne, whatsoever should follow; notwithstanding that the said* Lord Conway *had formerly by Letters informed him the said Earle, that his Majesties Armie then under his command, was not of force sufficient to encounter the Scots, by which advice*

of

of his, hee did contrary to the duty of his place betray his Majesties Armie then under his command, to apparent danger and losse.

All and every which Words, Counsells and Actions of the said Earle of Strafford *traiterously and contrary to his allegeance to our Soveraigne Lord the King, and with an intention and endeavour to alienate and withdraw the hearts and affections of the Kings Liege people of all his Realmes from his Majesty, and to set a division betweene them, and to ruine and destroy his Majesties said Kingdomes. For which they doe further impeach him the said* Thomas, *Earle of* Strafford *of High Treason against our Soveraigne Lord the King, his Crowne and Dignity.*

The

The Earle of Bristowes Speech, the 7th of Decemb. 1640.

MAY this dayes Resolution be as happy as the Proposition (which now moves me to rise) seasonable and necessary: for whether wee shall looke upon the King or the people, it did never more behoove us, the great Physitian the Parliament, to effect a great consent towards all parts, than now: This debate carries with it a double aspect, towards the Soveraigne, and towards the Subject, though both innocent, both injured, both to be cured.

In the representation of Injuries, I shall crave your attention: In the Cures, I shall beseech your equall cares, and better Judgements: surely in the greatest humility I speake it, their illegall wayes are works and pursuivants of indignation.

The raising of Leavies, strengthened by Commission, with un-heard of instructions, the billiting of Souldiers, and by Lieutenants, and their Deputies, without leave have beene as if they would have perswaded Princes (nay worlds) the right of Empire had beene had to take away what they please by strong hands; and they have endeavoured as farre as it was possible for them to doe it.

This hath not beene done by the King under the pleasing shade of whose Crowne I hope we shall ever gather the fruits of Justice, but the Projectors have extended the Prerogative of the King beyond the limits, which mars that sweete harmony.

They

They have rent from us the light of our eyes, enforced [illegible] of [illegible], [illegible] brought the Crowne to greater want, than ever it was by anticipating the Revenue: And can the shepheard be thus smitten, and the sheepe not scattered?

They have introduced a Privie Councell, ravishing at once the spheres of all ancient government, imprisoning without Bayle or Bond. They have taken from us: what shall I say? indeed what have they left us? All meanes of supplying the King, and ingratiating our selves with him, taking the rootes of all propriety; which if it be seasonably set into the ground by his owne hand, we shall have instead of beauty baldnesse.

To the making of them whole, I shall apply my solfe, and propound a remedy to all these diseases by one and the same thing: Hath King and People beene hurt, and by one and the same thing must they be cured; to vindicate what? new things? no our ancient sober vitall libertie, by reinforming our ancient Lawes, made by our Ancestors, by setting such a Charter upon them as no licentious spirits should dare hereafter to enter upon them: And shall wee thinke that a way to breake a Parliament? no, our desires are modest and just; I speake truely both for the interest of the King and people; if we enjoy not this, it will bee impossible to relieve him: Therefore let us feare they shall not bee accepted by his goodnesse.

Therefore I shall discend unto my motions, which consists of foure parts, two of which have relation to the persons, two to the properties of goods. For the persons, the freedome of them from imprisonment, and from imployment abroad, contrary to the ancient customes: for our goods, that no leavies be made but in Parliament.

Secondly, no billiting of Souldiers.

It

It is most necessary that these be resolved, that the subjects be secured in both: Then the manner in the second place be fit to be examined by a grand Committee.

Mr. MAINARDS Speech before both Houses in Parliament, on *Wednesday* 24th. of *March*, in reply upon the Earle of *Straffords* answer to his Articles at the Barre.

My Lords,

I Shall repeat little of that which hath beene said, onely this: That whereas my Lord of *Strafford* did answer to many particulars; yet hee did not answer to that which was particularly objected against him; that is, that you were to heare the complaints of the whole Kingdome: now the particular of our aime, is to take off the vizard, which my Lord hath put on; wherein the truth and honour which is due to his Majestie, he would attribute to himselfe.

My Lords, there is one thing which I desire your Lordships to remember, it being the maine of our complaints.

The alteration of the face of government, and traducing of his owne Lawes; and this is the burthen upon all the Lords and Commons of Ireland. *Concerning the breach of Parliament, he would put it on Sir* George Ratcliffe; *but I am sure, he cannot put off himselfe: for Sir* George Ratcliffe *was not the man alone, but others joyned with him in that Assembly, and I am sure my Lord of* Strafford *moved it for the breach of Parliament.*

I shall addresse my selfe to the body of his answere: Now give me leave my Lords, that I may open the nature of this great offence.

My Lords, *it is a charge of Treason, which is a Treason not ended, or expired by one single Act; but a trade enured by this Lord of* Strafford, *ever since the Kings favor hath been bestowed upon him.*

My Lords, it hath two parts: to deprive us that which was good. And secondly, to bring in a Tyrannicall government, it takes away the Lawes of the Land, and it hath an arbitrary government, bounded by no law, but what my Lord of Strafford *pleaseth.*

It is the law, my Lords, which we reverence, and cheerefully render to our gracious Soveraigne: The Law as it is the ground of our libertie., so it is the distribution of Justice.

My Lords, in all this, my Lord of Strafford hath endeavoured to make them uncapable of any benefit: it is true my Lords; that Treason against the person of a Prince is high Treason, and the highest Treason that can be to man; but is falls short of this Treason against the State.

When blessed King Iames *was taken to heaven, he commended the Lawes to his sonne, our gracious Soveraigne. But my Lords, if such a design as this should take effect, that the law of Iustice should be taken from the Throne, we are without hope of ever seeing happy dayes: power is not so easily laid downe; unlesse it be by so good and just a Prince as we have.*

My Lord of Strafford's *accusation is conveyed into twen-*

ty eight Articles, and I shall but touch the heads, that we shall insist upon, and I thinke the best way to this, is to consider what he did before he went into Ireland, what then, and what since.

He hath encroached jurisdiction where none was, taking upon him a power to repell the Lawes, and to make new Lawes, and in domineering over the lives and goods, and what ever else was the subjects.

My Lords, this he hath not done only upon the meaner sort, but upon the Peeres and ancient Nobilitie, and what may your Lordships expect, but the same measure at his hands here, as they have found there when he committed any to prison, if a Habeas Corpus *were granted, the Officers must not obey, and if any Fine were put upon the Officer, for refusing them, there was a command that he should bee discharged: so that he did not onely take power to himself, but the Scepter of Justice out of the Kings hand.*

When he was a member of the house of Commons, it was his owne motion, all Ministers of State should serve the King, according to the lawes which he hath broken himselfe.

He doth as much as say, that Fines shall not be payed by Officers, if in this they fulfill his commands, but those that release a prisoner upon a Habeas Corpus *shall finde his displeasure.*

My Lords, if this had been a single Act, we should not have accused him of high Treason, but this hath been his common course: and this we present to your Lordships consideration.

The next thing is, that in the North *the people attending for Justice, you shall see what a dishonour he flung upon the sacred Majestie of the King, that did advance him: some of the Justices (saith he) are all for Law, but they shall finde that the Kings little finger is heavier then the Loynes of the Law.*

My Lords, what a sad speech was this, and what sad Ac-

cidents happened upon it, you all know, and he said in a solemne speech, That Ireland was a conquered Nation, and that the King might do with them what he would, their Charters were nothing worth, they did binde the King no longer then he pleased. Surely you may see what hee would do if he had power, but we hope never such counsell shall have acceptation in so gracious an Eare as our Soveraignes, and he doth not stay in words, but proceeds to Actions, when a Peere of the Kingdome was expelled the Kingdome for suing at Law for recovering of his Right, he saith, he would have Ireland know that neither Law nor Lawyers should question any thing that he ordered.

My Lords, he goes higher, for when there was an occasion to speake of an Act of State, *he said it should bee as binding as an Act of Parliament.*

My Lords, he cannot goe higher then this, hee tells them in Parliament; *they were a Conquered Nation, and they must expect the usage of a Conquered Nation.*

The Lord *Mountnorris* for a few words that fell from his mouth spoken privately at his Table, had a Counsell of warre called against him and was judged to death.

My Lords, it is no marvaile that he saie; *That the Kings little finger should be so heavie, when his little toe was so heavie to tread downe a Peere under his foote.*

My Lords, he makes Lawes of himselfe, and hee makes a difference in matters of Justice betweene the poore and the rich, but when he hath executed his power upon the poore, he will fall upon the rich.

My Lords, he hath made that which was worth but five shillings to the value of twenty, and my *Lords*, by this he doth in effect take away what ere this commoditie is worth, he saith he doth it for the Kings gaine, but we shall make it appeare, that the Crowne hath lost, and he hath gained.

And for the Commodity of Flax *my Lords*, it is but a

Womans

Womans Commodity, but yet it is the ſtaple Commodity of *Ireland*.

Now *my Lords*, this Commodity he hath gotten wholly into his owne hands, for he made ſuch a Proclamation, that it ſhould be uſed in ſuch wayes as the Women could not doe it, and if it were not uſed in ſuch ways, that it ſhould bee ſeiſed upon, no he doth not onely put impoſitions upon the Subject, but take away the goods too, and this he hath levyed warre againſt the Kings Subjects, and this is his courſe, that if a Decree were made by him and not obeyed, there iſſued a warrant to Souldiers, that they ſhould make Garriſon, and that they ſhould goe to the houſes of thoſe that were pretended to be diſobedient.

My Lords they have killed their ſheep and their Oxen, and bound their horſes and took them Captives till they have rendered obedience, which is expreſſely contrary to Law, for it ſaith; *If any man ſet horſe or foot upon the Kings Subject, in a Military way, it is high Treaſon.*

My Lords, it doth not onely oppreſſe them in their eſtates, but provoke and incite his Majeſty to lay downe his mercy and goodneſſe, and to fall into an offenſive war againſt his Subjects, and to ſay they are Rebels and Traytors.

He tels his Counſell that the Parliament having forſaken the King, and the King having tryed the Parliament, hee might uſe other wayes to procure money to ſupply his neceſſities.

My Lords, the ſame day that the Parliament was broken, he tels the King, he had 8000. foot and 1000. horſe to reduce this Kingdome to obedience.

My Lords, conſider in what a ſad time this man tooke to infuſe this ſad Counſell into the Kings eare.

My Lords, he doth adviſe the King that he was abſolved from all rules of government, but if no rule of government, what rule of obedience; Surely he meant to reduce us to a chaos and confuſion, &c. would have us without all rule of government or obedience.

My Lords, those that he would have brought to reduce us were Papists, Enemies of our Religion. This strikes us neer my Lords, and is the griefe of our hearts; *that an Irish Army should be brought into England to reduce us.*

My Lords, I hope we were nere so far gone, as to need an army to reduce us to obedience.

My Lords, he had raised this Army, and if such Counsell had taken effect in his Majesties eare, he, like proud *Haman*, would have thought to have been Generall of the Army.

And thus *my Lords*, you see this Lord of *Strafford* falls upon a Counsell, which might make an irreconcileable difference to subdue us by his power.

The Earle of *Bristowes* Speech in the High Court of *Parliament* upon the delivering of by him the Scottish Remonstrance and Schedule of their charges.

OUr Ancestors were accustomed to heare propositions in an other manner.

We represent unto you a very distressed estate, sad tidings and dishonourable to our Nation.

That we should suffer our Countrey to relieve an Army that is come against us.

This may seeme to withdraw from the greatnes and honor of this Nation, but I am sorry it should be thought a National dishonour as the case now standeth.

But *I* wish it may light upon those that have been the ill instruments, by their imprudent Counsells to bring this Kingdome into such an unhappy businesse, that hath produced miserable effects and Calamities.

But let us labour to build the honour of this Nation, and if ill and wicked men have brought this great dishonour, great let the honour be when a state is so distressed, by wisdom and

and prudence to relieve it.

I doe remember when the Common-wealth of *Rome* was in great distresse, after the great Battayle of *Canna*, they gave thankes that the Counsell did not despaire of the safety of the Common-wealth, and me thinkes there is no cause to despair, If those ill Counsels and ill ways have brought us to this Calamity, shall hereafter be turned to wise, prudent and setled wayes, if God may so blesse us that we again prove happy, for this Nation, the strength and Scituation of it would hardly be brought to this condition, were it not for want of Vnity, and for discord among our selves.

When a happie Vnitie among our selves, I doubt not to see the honour of this Nation set vp againe by the wisedome of his Majesty and prudent endeavour of this assembly, this whole *Monarchy* once reunited, I meane the 3. Kingdomes, will render us very considerable abroad.

His *Majesty* hath granted our brethren in *Scotland* their demands in matter of Religion and liberty, and doubt not but with humility and duty may likewise obtaine what wee shall desire concerning religion and libertie graciously from his *Majesties hands*.

And I am most confident his *Majestie* may expect from us all that duty, affection and assistance as he hath just cause to expect from good people.

If God shall blesse us and this whole Monarchy with unity, love and concord, certainly these great Armies that do now trouble us, and are ready to offend one an other, may shew a capability with united mindes and well designed to effect great matters, and may by unity of Counsell raise us up againe in the world to a good estimation, and as great an honour as ever. I hope God will blesse us with good Counsells, and that the King as a gracious good and prudent Prince, and all his Subjects joyning in this way, no doubt but God will bring us againe to a convenient condition of consistancie, yea since our armies are vnited under one King and Nation, and in one Iland from a state gasping it will bee ease thence to bring us to a condition of prosperity: therefore let us procure and

maintaine

maintaine a good correspondency amongst our selves, and for the propolition, it much started us at first, but I must say thus much.

That where wars have fallen between Nations, it is not unlawfull nor great dish onour to let men part upon reasonble conditions, though with good consideration our Kings passed many times into *France*, and returned with recompence, but this a friendly demonstration, of one Nation to another there is great difference in point of honour, if we consider the state wherein wee now are, two Armies in the field, and consider it was not through our default, nor the fault of the Kingdome, that we are brought into these calamities.

The Instruments will bee made an example, and the dishonour will light upon them, and then certainly we doe conceive a wise and prudent Senate, to apply themselves to some things by necessity is no dishonour.

A State lying gasping and bleeding to restore it is an essentiall part of honour.

This is that I had in command to say unto you.

The Speech

His Majesties Speech to both the Houses of Parliament,

February 3. 1640.

HAving taken into my serious consideration the late Remonstrance made unto mee by the House of Parliament, I give you this answer,

That I take in good part your care of the true Religion established in this Kingdome, from which I will never depart, as also for the tendernesse of my safety, and security of this State and Government: It is against my minde, that Popery or Superstition should any way encrease within this Kingdome, and will restraine the same by causing the Laws to be put in execution.

I am resolved to provide against the Jesuites and Papists, by setting forth a Proclamation with all speed, commanding them to depart the Kingdome within one Moneth, which if they faile, or shall returne, then they shall be proceeded against according to the Lawes.

Concerning *Restetie*, I give you to understand, that the Queene hath alwayes assured me, that to her knowledge hee hath no Commission, but onely to entertaine a personall correspondence betweene her and the Pope, in things requisite for the Exercise of her Religion, which is warranted to her by the Articles of Marriage, which give her a full Liberty of Conscience; yet I have perswaded her, that since the misunderstanding of the Persons condition gives offence, shee

will within a convenient time remove him.

Moreover, I will take a speciall care to restraine my Subjects from resorting to Masse at *Denmark* house, *St. James*, and the Chappell of Ambassadors.

Lastly, concerning *John Goodman* the Priest, I will let you know the reason why I reprived him, that as I am informed, neither Queene *Elizabeth*, nor my Father did ever avow, that any Priest in their times was executed meerely for Religion, which to me seemes to be this particular case, yet seeing that I am pressed by both Houses, to give way to his, because I will avoid the inconveniencie of giving so great discontent to my people, as I conceive this Mercy may produce, therefore I doe remit this particular Cause to both the Houses: But I desire them to take into their consideration, the inconveniencies (as I conceive) may upon this occasion fall upon my Subjects and other Protestants abroad, especially since it may seeme to other States to be a severity, which surprise having thus represented, I think my selfe discharged from all ill consequence that may ensue upon the execution of this person.

FINIS.

To the Right Honourable the Commons Houſe of Parliament.

The humble Petition of many of his Majeſties Subjects in and about the Citie of London *and ſeverall Counties of the Kingdome.*

THat wheras the government of Archbiſhops, and Lord-Biſhops, Deanes, and Archdeacons, &c. with their Courts and miniſtrations in them hath proved prejudiciall and very dangerous both to the Church and Common-wealth, they themſelves having formerly held, that they have their juriſdiction or authority of humane Authority, till of theſe later times being further peruſed about the unlawfulneſſe that they have claymed their calling immediatly from the Lord JESVS CHRIST, which is againſt the Lawes of this Kingdome, and Derogatory to his Majeſtie and his State Royall. And whereas the ſaid government is found, by wofull experience, to be a maine cauſe and occaſion of many foule evils, preſſures, and grievances of a very high nature unto his Majeſties Subjects, in their owne Conſciences, liberties, and eſtates; as in a Schedule of particulars hereunto annexed may in part appeare.

We therefore moſt humbly pray and beſeech this Honourable

rable Assembly, the premisses considered, that the said government with all its dependances, roots and branches may be abolished, and all lawes in their behalfe made voyd, and the government, according to Gods word, may be rightly placed among us, and we your humble Supplyants, as in duty we are bound, will daily pray for his Majesties long and happy raigne over us, and for the prosperous successe of this High and Honourable Court of Parliament, &c.

A Particular of the manifold Evils, Pressures, and Grievances, caused, practized, and occasioned by the Prelates and their Dependants.

I.

FIrst, the subjecting and enclining all Ministers under them and their Authority, and so by degrees exempting of them from the Temporall power, whence follows:

II.

The faint-heartednesse of Ministers to preach the truth of God, lest they should displease the Prelates, as namely *the Doctrine of Predestination, of Free-grace, of Perseverance, of Originall sinne remaining after Baptisme, of the Sabbath, the Doctrine against universall Grace, Election for Faith fore-seene, Free-will, against Antichrist, non-Residents, humane Inventions of Gods worship*, all which are generally with-held from the peoples knowledge, because not relishing to the Bishops.

3. The

III.

The encouragement of Ministers to despise the temporall Magistracie, the Nobles, and Gentry of the Land, to abuse the Subjects, & live contentiously with their neighbours, knowing that they being the Bishops creatures, they shall be supported.

IV.

The restraint of many godly and able men from the Ministry, and thrusting out of many Congregations, their faithfull, diligent, and powerfull Ministers, who lived peaceably with them and did them good, onely because they cannot in Conscience submit unto, and maintaine the Bishops needlesse devices; nay sometimes, for no other cause but for their zeale in Preaching, or great Auditories.

V.

The suppressing of that godly Designe set on foot by certaine Sects, and sugred with many great gifts by sundry well-affected persons, for the buying of Impropriations, and placing of able Ministers in them, maintaining of Lectures, and founding of Free-Schooles; which the Prelates could not endure, lest it should darken their glories, and draw the Ministers from their dependance upon them.

VI.

The great encrease of idle, lewd and dissolute, ignorant and erroneous men in the Ministry, which swarme like the Locusts of Egypt over the whole Kingdome, and will they but weare a Canonicall Coat, a Surplisse, a Hood, bow at the name of Jesvs, and be zealous of Superstitious Ceremonies, they may live as they list, confront whom they please, preach and vent what errours they will, and neglect preaching at their pleasures, without controule.

VII.

The discouragement of many from bringing up their Children in learning, the many Schismes, errors, and strange opi-

tions which are in the Church; great Corruptions, which are in the Universities; the grosse and lamentable ignorance almost every where among the people; the want of preaching Ministers in very many places both of *England* & *Wales*, the loathing of the Ministry, and the generall defection to all manner of prophanenesse.

VIII.

The swarming of lascivious, idle, and unprofitable Books and Pamphlets, Play-books, and Ballads, as namely *Ovids* fits of Love; the *Parliament* of Women came out at the dissolving of the last *Parliament*, *Barnet* Poems, *Parkers* Ballads in disgrace of Religion, to the encrease of all vice, and withdrawing of people from reading, studying, and hearing the word of God, and other good Books.

IX.

The hindring of godly Books to be Printed, the blotting out, or perverting those which they suffer, all or most of that which strikes either at *Poperie* or *Arminianisme*, the adding of what or where pleaseth them, and the restraints of reprinting Books formerly lycensed without relycensing.

X.

The publishing and venting of *Popish*, *Arminian*, and other dangerous Books and Tenets, as namely; that the *Church* of *Rome* is a true *Church*, and in the worst times never erred in *Fundamentalls*, that the Subjects have no propriety in their Estates, but that the King may take from them what hee pleaseth, that all is the Kings, and that he is bound by no Law, and many other, from the former whereof hath sprang,

XI.

The growth of *Popery*, and encrease of *Papists*, *Priests* and *Jesuits* in sundry places, but especially about *London* since the *Reformation*, the frequent venting of *Crucifixes* and *Popish pictures*,

Pictures, both engraven and printed, and the placing of such in Bibles.

XII.

The multitude of *Monopolies* and *Patents*, drawing with them innumerable Perjuries, the large encreaſe of Cuſtomes and Impoſitions upon *Commodities*, the *Ship monies*, and many other great burthens upon the *Common-wealth*, under which all groane.

XIII.

Moreover, the Offices and Juriſdictions of *Arch-biſhops*, *Lord-Biſhops*, *Deanes*, *Arch-Deacons*, being the ſame way of *Church-Government* which is in the *Romiſh Church*, and which was in *England* in the time of *Poperie*, little change thereof being made (except onely the head from whence it was derived) the ſame Arguments ſupporting the Pope, which doe uphold the *Prelates*, and overthrowing the *Prelates*, which doe pull downe the Pope, and other reformed *Churches*, having upon their rejection of the Pope, caſt the Prelates out alſo as Members of the Beaſt: Hence it is, that the Prelates here in *England* by themſelves or their Diſciples plead and maintaine, that the Pope is not *Antichriſt*, and that the *Church of Rome* is a true *Church*, hath not erred in Fundamentall points, and that Salvation is attainable in that Religion, and therefore have reſtrained to pray for the Converſion of our Soveraigne Lady the Queene. Hence alſo hath come,

XIV.

The great Conformity and likeneſſe both continued and encreaſed of our Church to the Church of *Rome*, in Veſtures, Poſtures, Ceremonies, and Adminiſtrations, namely as the Biſhops Rochets, and the Lawne ſleeves, the foure-cornerd Cap, the Cope and Surpliſſe, the Tippet, the Hood, and the Canonicall Coat, the Pulpits clothed, eſpecially now of late, with the Jeſuites Badge upon them every way.

XV.

The ſtanding up at *Gloria Patri*, and at the reading the Goſpell,

Gospell, praying towards the East, the bowing at the name of Jesvs, the bowing to the Altar towards the East, Crosse in Baptisme, the Kneeling at the Communion.

XVI.

The turning of the Communion Tables Altar-wise, setting Images, Crucifixes, and Conceits over them, and Tapers and Books upon them, and bowing, and adoring to or before them, the reading of the second Service at the Altar, and forcing people to come up thither to receive, or else denying the Sacrament to them, tearming the Altar to be the mercie-seat, or the place of God Almighty in the Church, which is a plaine device to usher in the Masse.

XVII.

The Christning and Consecrating of Churches and Chappells, the Consecrating Fonts, Pulpits, Tables, Chalices, Churchyards, and many other things, and putting holinesse in them; yea, reconsecrating upon pretended pollution, as though every thing were uncleane without their Consecrating, and for want of this sundry Churches have beene interdicted and kept from use as polluted.

XVIII.

The Liturgie for the most part's framed out of the Romish *Breviary Ritualium* Masse-book, also the book of Ordination, for Archbishops and Ministers, framed out of the Roman Pontificall.

XIX.

The multitude of Canons formerly made, wherein, among other things, Excommunication, *ipso facto* is denounced for speaking of a word against the devises above said, or subscription thereunto, though no Law enjoyned a restraint from the Ministry without such subscription, and Appeale is denied to any that should refuse subscription or unlawfull conformity,

formity, though he be never so much wronged by the inferiour Judges: also the Canons made in the late sacred Synod, as they call it, wherein are many strange and dangerous Devices to undermine the Gospel, and the Subjects liberties, to propagate Popery, to spoyle Gods people, insnare Ministers and other *Students*, and so to draw all into an absolute subjection and thraldome to them and their government, spoyling both the King and the Parliament of their power.

XX.

The countenancing plurality of Benefices, prohibiting of Marriages without their Lycence at certaine times, almost halfe the yeare, and lycensing of Marriages without Banes asking.

XXI.

Prophanation of the Lords day, pleading for it, and enjoyning Ministers to read a *Declaration*, set forth, as 'tis thought, by their procurement for tolerating of sports upon that day, suspending and depriving many godly Ministers, for not reading the same onely out of Conscience, it was against the Law of God so to doe, and no Law of the Land to enjoyne it.

XXII.

The pressing of the strict observation of Saints Dayes, whereby great summes of Moneyes are drawne out of Mens purses for working on them, a very high burthen on most people, who getting their living by their dayly imployments, must either omit them and be idle, or part with their money, whereby many poore families are undone, or brought behindhand, yea many *Church-wardens* are sued, or threatned to be sued by their troublesome Ministers, as perjured persons, for not presenting their Parishioners, who fayled in observing *Holy-dayes*.

XXIII.

The great encrease and frequencie of Whoredomes and

Adulteries, occasioned by the *Prelates* corrupt administration of Justice, in such Cases, who taking upon them the punishment of it; doe turne all into moneyes for the filling of their purses, and lest their Officers should defraud them of their gaine, they have in their late Canon, in stead of remedying their vices, decreed that the *Commutation* of Pennance shall not be without the Bishops privity.

XXIV.

The generall abuse of that great ordinance of Excommunication, which God hath left in his Church to be used as the last and greatest punishment the Church can inflict upon obstinate and great Offenders, and that the Prelates and their Officers, who of right, have nothing to doe with it, doe daily excommunicate men either for doing that which is lawfull, or for vaine, idle, and triviall matters, as working or opening a shop on a Holiday, for not appearing at every beck upon their summons, not paying a fee or the like; yea, they have made it, as they doe all other things, a hook or instrument wherewith to empty mens purses, and to advance their owne greatnesse, and so that sacred ordinance of God, by their perverting of it, becomes contemptible to all men, and seldome or never used against notorious offenders, who, for the most part, are their favourites.

XXV.

Yea further, the pride and ambition of the *Prelates* being boundlesse, unwilling to be subject to either man or Lawes, they claime their Office and Jurisdiction to be *Iure divino*, exercise Ecclesiasticall authority in their owne names and Rights, and under their owne Seales, and take upon them Temporall dignities, Places and Offices in the Commonwealth, that they may sway both swords.

XXVI.

Whence followes the taking Commissions in their owne Courts

Courts and Conſiſtories, and where elſe they ſit in matters determinable of Right at Common Law, the putting of Miniſters upon Pariſhes, without the Patrons & peoples conſent.

XXVII.

The impoſing of Oathes of various and triviall Articles yearely upon Church-wardens, and Side-men, which without perjury, unleſſe they fall at jarres continually with their Miniſters and Neighbours, and wholly neglect their owne calling.

XXVIII.

The exerciſing of the Oath *Ex Officio*, and other proceedings by way of *Inquiſition* reaching even to mens thoughts, the apprehending, and detaining of men by *Purſivants*, the frequent ſuſpending and depriving of Miniſters, fining and impriſoning of all ſorts of people, breaking up of mens Houſes and Studies, taking away mens Books, Letters, and other writings, ſeizing upon their Eſtates, removing them from their callings, ſeperating betweene them and their wives againſt both their wills, the rejecting of prohibitions with threatnings, and the doing of many other out-rages, to the utter infringing the Lawes of the Realme, and the Subjects liberties, and arraigning of them and their Families, and of latter time, the Judges of the Land are ſo awed with the power and greatneſſe of the Prelates, and other wayes promoted, that neither prohibition, *Habeas Corpus*, or any other lawfull remedy can be had, or take place, for the diſtreſſed Subjects in moſt Caſes, onely *Papiſts*, *Ieſuits*, *Prieſts*, and ſuch others as propagate *Popery* or *Arminianiſme*, are countenanced, ſpared, and have much liberty, *and from hence followed amongſt others theſe dangerous Conſequences.*

I.

FIrſt, the generall hope and expectation of the *Romiſh* part, *that their ſuperſtitious Religion will ere long be fully planted in this Kingdome againe, and ſo they are encouraged to perſiſt*

therein, and to practice the same openly in divers places, to the high dishonour of God, and contrary to the Lawes of the Realme.

II.

Secondly, the discouragement and destruction of all good Subjects, of whom all Multitudes both *Clothiers, Marchants*, and others, being deprived of their Ministers, and overburthen'd with these pressures, have departed the Kingdome to *Holland*, and other parts, and have drawn with them a great part of manufacture of *Cloth* and *Trading* out of the Land into other places, where they reside, whereby Wooll, the great staple of the Kingdome, is become of small value and vends not, Trading is decayed, many poore people want work, Sea-men lose imployment, and the whole Land much impoverished, to the great dishonour of this Kingdome, and blemishment to the government thereof.

III.

The present warres and Commotions happened betweene his Majesty and his Subjects of *Scotland*, wherein his Majesty and all his Kingdome are indangered, and suffer greatly, and are like to become a prey to the common Enemy, in case the warres goe on, which we exceedingly feare, will not onely goe on, but also encrease to an utter Ruine of all, unlesse the Prelates with their dependancies be removed out of *England*, and also they and their practices, who, as we, under your Honours favour, doe verily beleeve and conceive, have occasioned the Quarrell.

All which wee humbly referre to the consideration of this Honourable Assembly, desiring the Lord of Heaven to direct you in the right way to redresse all these evills.

FINIS.

The Resolution of the House of Commons touching the six Demands of the *Scots*, for restitution of their Losses *and Dammages*.

THis House thinks fit that a friendly Assistance and relieſe be given towards supply of the losses and necessities of the *Scots*, and in due time this House wil take consideration both of the manner and measure of it.

The Scottish Commissioners Answer to the resolution of the Parliament.

AS wee doe with all thankfulneſſe receive the friendly and kindly resolution of the Parliament concerning our Demands, wee doe therein acknowledge your Lordships noble dealing, for which we may assure that the whole Kingdome of *Scotland* will at all occasions expresse themselves on all respect and kindneſſe; so doe we entreat your Lordships to present unto the Parliament, our earneſt desire, that they may be pleased, howsoever their conveniencie may serve to consider of the proportion, wishing still that as wee expect from our friends the testimonies of their kindneſſe & friendly Assistance, so the Justice of the Parliament may be declared in making the burthen more sensible to the Prelates and

Papists our Enemies, and Authors of all our evills, then to others, who never have wronged us, which will not onely give unto us, and the whole Kingdome of *Scotland* the greater satisfaction, but will also (as wee can conceive) conduce much to the honour of the Kings Majestie, and Parliament. Wee doe also expect that your Lordships will be pleased to report unto us the Answer of the Parliament, that wee may in this as in the former Articles give Account to those who sent us.

The Peeres Demands upon the aforesaid Answer.

WEe desire to understand since (as we conceive) the particulars are like to require much time, whether we may not from you let the Parliament know, that whilest they are debating of the proportion, and the wayes how they finde assistance may be raised, you will proceed to the agreeing to the Articles of a firme and durable peace, that thereby both time may be saved, and both sides proceed mutually with the more cheerefulnesse and alacrity.

The Scottish Commissioners Answer to the Peeres Demands.

AS wee desire a firme Peace, so is it our desire that this Peace may be with all mutuall Alacrity speedily concluded; and therefore let's entreat you all to shew the Parliament from us, that how soon they shall be pleased to make the proportion knowne to us, that wee may satisfie the expectation of those who have instructed us, which wee doe conceive

conceive may be done in a ſhort time, ſince they are already acquainted with all the particulars of our Demands, wee ſhall ſtay no longer upon the manner and wayes of raiſing the aſſiſtance, which may require a longer time, and yet we truſt it will be with ſuch conveniencie as may ſerve for our two moneths reliefe, but remitting the manner and wayes to the oportunity of the Parliament, ſhall moſt willingly proceed to the conſiderations of the following Articles, eſpecially to that which wee moſt of all deſire, a firme and ſetled Peace.

26. *Ian.* 1640.

FINIS.

Articles of the Houſe of Commons in Parliament, againſt Secretary WINDEBANKE.

IN primis, *Seventy foure Letters of grace to Recuſants, within this foure yeares, ſigned with Secretary* Windebankes *owne hand.*

2 *Sixty foure Prieſts in the* Gate-houſe, *within this foure yeares diſcharged, for the moſt part, by Secretary* Windebanke.

3 *Twenty nine diſcharged by a verball warrant of Secretarie* Windebanke.

4 *A warrant to proteſt one* Muſſon, *a condemned Prieſt, and all the houſes he frequented.*

5 *One committed by the King's owne hand, and diſcharged by Secretarie* Windebanke, *without ſignification of the Kings pleaſure therein.*

6 *A Petition of Saint* Giles *in the Fields, neere* London, *to the King, of the encreaſe of Popery in their Pariſh, wherein twenty one perſons were ſeduced and turned by two Prieſts, the which Prieſts were both diſcharged by Secretary* Windebanke.

Die Lunæ 21. Decembris. 1640.

A Speech made by *John* Lord *Finch*, Lord Keeper of the great Seale of *England*, in the Commons house of Parliament.

Maſter Speaker.

I Do firſt preſent my moſt humble thanks to this Honourable Aſſembly, for this favour vouchſafed me, in granting me admittance to their preſence, and doe humbly beſeech them to beleeve it is no deſire to preſerve my ſelfe or my fortune, but to deſerve the good opinions of thoſe that have drawne mee hither.

I do profeſſe in the preſence of him that knoweth all hearts, that I had rather go from dore to dore, and crave *Da obulum Belizario, &c.* with the good opinion of this Aſſembly, then live and enjoy all the honours and fortunes I am capable of.

I doe not come hither with an intention to juſtifie my words, my actions, or my opinions; but to make a plaine and cleare narration for my ſelfe, and then humbly to ſubmit to the wiſedome and juſtice of this Houſe my ſelfe, and all that concernes me.

I doe well underſtand (*Maſter Speaker*) with what diſadvantage any man can ſpeake in his owne cauſe, and if I could have told how to have tranſmitted my thoughts and actions by a clearer repreſentation of another (I doe ſo much

defie my owne judgement in working, and my wayes in expreſſing) that I ſhould have beene a moſt humble ſuiter, another might have done it. But this Houſe wil not take words, but with cleare and ingennous dealing, and therefore I ſhall beſeech them to think I come not hither with a ſet or ſtudied Speech, I come to ſpeake my heart, and to ſpeake it clearely and plainely, and then leave it to your clemencie and Juſtice, and I hope if any thing ſhall ſlip from me, to work contrary to my meaning, or intention, diſorderly or ill placed, you will be pleaſed to make a favourable conſtruction, and leave me the liberty of explanation, if there ſhall be any, but I hope there ſhall be no cauſe for it.

I hope for my affection in Religion no man doubteth me, what my education, what and under whom for many yeares, is well knowne; I lived neere 30 yeares in the Society of *Grayes Inn:* and if one that was a reverend Preacher in my time (Doctor *Sibbs*) were now alive, hee were able to give teſtimony to this Houſe, that when a party ill affected in Religion ſought to weary him, and tyer him out, hee had his chiefeſt encouragement from me.

I have now (*Maſter Speaker*) been 15 yeares of the Kings Councell, from the firſt houre to this minute, no man is able to ſay that ever I was Author, Adviſor, or Conſentor to any project.

It pleaſed the King (my gracious Maſter) after I had ſerved him divers yeares to preferre mee to two places; to be chiefe Juſtice of the Common Pleas, and then Keeper of his great Seale, I ſay it in the preſence of God, I was ſo far from the thought of the one, and from the ambition of the other, that if my Maſter his grace and goodneſſe had not been, I had never enjoyed thoſe Honours.

I cannot tell (*Maſter Speaker*) nor I doe not know what particulars there are that may draw me into your diſavour or ill opinion, and therefore I ſhall come very weakly armed, yet to thoſe that either in my owne knowledge, or by ſuch knowledge as is given me, and not from any in this Houſe, I ſhall ſpeake ſomewhat, that I hope being truth, and accompanied

panied with cleareneſſe and ingenuity, will at laſt procure ſome allay of that ill opinion which may perhaps be conceived of me.

Maſter Speaker, I had once the Honour to ſit in the place that you doe: from the firſt time I came thither, to the unfortunate time, I doe appeale to all that were here then, if I ſerved you not with candor. Ill office I never did to any of the Houſe, good offices I have witneſſes enough I did many, I was ſo happy that upon an occaſion which once happened, I received an expreſſion and teſtimony of the good affection of this Houſe towards me.

For the laſt unhappy day I had a great ſhare in the unhappineſſe and ſorrow of it. I hope there are enough doe remember, no man within the walls of this Houſe did expreſſe more ſymptomes of ſorrow, griefe, and diſtraction then I did.

After an adjournment for two or three dayes, it pleaſed his Majeſtie to ſend for me, to let me know that he could not ſo reſolve of things as hee deſired, and therefore was deſirous that there might be an adjournment for ſome few dayes more. I proteſt I did not then diſcerne in his Majeſtie, and I beleeve it was not in his thoughts to think of the diſſolving of this Aſſembly, but was pleaſed in the firſt place to give me a command to deliver his pleaſure to the Houſe for an adjournment for ſome few dayes, till the Monday following, as I remember, and commanded me withall to deliver his pleaſure, that there ſhould be no further ſpeeches, but forthwith upon the delivery of the Meſſage come and wait upon him: hee likewiſe commanded me if queſtions were offered to be put, upon my Alleageance I ſhould not dare to doe it, how much I did then in all humbleneſſe reaſon with his Majeſtie, is not for me here to ſpeake; onely thus much let me ſay, I was no Author of any counſell in it, I was onely a perſon in receiving commiſſion. I ſpeake not this as any thing I now produce or doe invent, or take up for my owne excuſe, but that which is knowne to divers, and ſome Honourable perſons in this houſe to be moſt true. All that I will ſay for that is humbly to beſeech you all to conſider, That if it had beene

any mans cauſe as it was mine, betweene the diſpleaſure of a gracious King, and the ill opinion of an Honourable Aſſembly. I beſeech you lay all together, lay my firſt actions and behaviour with the laſt, I ſhall ſubmit to your Honourable and favourable conſtructions.

For the Shipping buſineſſe, my opinion of that cauſe hath layne heavy upon me, I ſhall clearely and truly preſent unto you what every thing is, with this proteſtation, that if in reckoning up my owne opinion what I was of, or what I delivered, any thing of it be diſpleaſing, or cõtrary to the opinion of this Houſe, that I am farre from juſtifying of it, but ſubmit that and all other my actions to your wiſedomes and goodneſſe.

Maſter Speaker, the firſt Writs that were ſent out about Shipping buſineſſe, I had no more knowledge of it, and was as ignorant as any one Member of this Houſe, or any man in the Kingdome. I was never the Author nor Adviſor of it, and will boldly ſay from the firſt to this houre, I did never adviſe nor counſell the ſetting forth of any Ship-writs in my life.

Maſter Speaker, it is true that I was made chiefe Juſtice of the Common Pleas ſome foure dayes before the Ship-writs went out to the Ports and Maritine places, as I doe remember the 20 of *October* 1634. they doe beare Teſte, and I was ſworne Juſtice the 16 of *October*, ſo as they went out in that time, but without my knowledge or privity, the God of heaven knowes this to be true.

Maſter Speaker, afterwards his Majeſtie was pleaſed to command my Lord chiefe Juſtice of the Kings Bench, that then was, Sir *Thomas Richardſon*, and chiefe Baron of the Exchequer that now is, and my ſelfe then chiefe Juſtice of the Common Pleas, to take into conſideration the Preſidents then brought unto us, which we did, and after returned to his Majeſtie what we had found out of thoſe Preſidents.

It is true, that afterwards his Majeſtie did take into conſideration, that if the whole Kingdome were concerned, that it was not reaſon to lay the whole burthen upon the Cinque Ports and Maritine Townes.

There-

Thereupon, upon what ground his Majesty took that into his consideration, I doe confesse I doe know nothing of it.

His Majesty did command my Lord chief Justice that now is, my Lord chiefe Baron, and my selfe, to returne our opinions; whether, when the whole Kingdome is in danger, and the Kingdome in generall is concerned, it be not according to Law and reason, that the whole Kingdome, and his Majestie, and all interessed therein, should joyne in defending and preserving thereof.

This was in time, about one 1634.

In Michaelmas Terme following, his Majesty commanded me to goe to all the Judges, and require their opinions in particular.

He commanded mee to doe it to every one, and to charge them upon their duty and allegiance, to keepe it secret.

Master Speaker, it was never intended by his Majesty (so professed by him) at that time, and so declared to all the Judges, that it was not required by him, to be such a binding opinion to the Subject, as to hinder him from calling it in question, nor to be binding to themselves, but that upon better reason, and advise they may alter it; but desired their opinions, for his owne private reason.

I know very well, that extrajudiciall opinions of Judges ought not to be binding.

But I did think, and speake my heart and conscience freely; my selfe, and the rest of the Judges being sworne, and by our Oaths tyed to counsell the King when he should require advise of us, that we were bound by our oaths and duties to returne our opinions.

I did obey his Majesties command, and doe here before the God of heaven avow it.

I did never use the least promise of preferment or reward to any, nor did use the least menacy; I did leave it freely to their owne consciences and liberty; for I was left the liberty of my owne by his Majesty, and had reason to leave them the liberty of their owne consciences.

And I beseech you be pleased to have some beliefe, that I

would not say this, but that I know the God of heaven will make it appeare; and I beseech you that extravagant speeches may not move against that which is a positive and cleare truth.

Master Speaker, in the discourse of this (as is betweene Judges, some small discourses sometimes) yet never any cause wherein any Judges conferred, that were so little conference as between me and them.

Master Speaker, against a Negative, I can say nothing, but I shall affirme nothing unto you, but by the grace of God, as I affirme it to be true, so I make no doubt of making it appeare to be so.

This opinion was subscribed without Solicitation, there was not any man of us did make any doubt of subscribing our opinion, but two, Master Justice *Hutton*, and Master Iustice *Crooke*.

Master Iustice *Crooke* made not a scruple of the thing, but of the introduction, for it was thus:

That whereas the Ports & the Maritime Towns were concerned; there according to the Presidents in former times, the charge lay on them.

So when the Kingdome was in danger, of which his Majesty was the sole Iudge; whether it was not agreeable to Law and reason, the whole Kingdome to beare the charge;

I left this case with Iudge *Crooke*.

The next Terme I spake with him, hee could give me no resolution, because hee had not seene the Writs in former times, but did give his opinion, that when the whole Kingdome was in danger, they of the defence ought to be borne by all.

So of that opinion of his, there was no need of a Solicitation.

I speake no more here, than I did openly in my argument in the Chequer Chamber.

This is the naked truth: for Master Iustice *Hutton*, he did never subscribe at all.

I will onely say this, that I was so farre from pressing

him

him to give his opinion, becauſe he did aſk time to conſider of it, that I will boldly ſay, and make it good, that when his Majeſty would have had him ſometimes ſent for, to give his opinion. I beſeeched his Majeſty to leave him to himſelfe and his conſcience; and that was the ill office I did.

The Iudges did ſubſcribe in *November* or *December*, 1635.

I had no conference (nor truly I think) by accident any diſcourſe with any of the Iudges touching their opinions; for till *February* 1636, there was no ſpeech of it, for when they had delivered their opinions, I did returne according to my duty to my Maſter the King, and delivered them to him: in whoſe cuſtody they be in.

In *February* 1636, upon a command that came from his Majeſty, by one of the then Secretaries of State, the Iudges all aſſembled in *Grayes-Inn*, we did then fall into a debate of the caſe then ſent unto us, and wee did then returne our opinion unto his Majeſty; there was then much diſcourſe and great debate about it.

Mine opinion and conſcience at that time was agreeable to that opinion *I* then delivered.

I did uſe the beſt arguments *I* could, for the maintainance of my opinion; and that was all *I* did.

It is true that then at that time, Maſter *Iuſtice Hutton*, and Maſter *Iuſtice Crooke* did not differ in the maine point, which was this;

When the Kingdome was in danger, the charge ought to be borne by the whole Kingdome.

But in this point, whether the King was the ſole *Iudge* of the danger? they differed.

So as there was betweene the firſt ſubſcription, and this debate, and conſultation, ſome 15 moneths difference.

It is true, that all of them did then ſubſcribe, both *Iuſtice Hutton*, and *Iuſtice Crooke*, which was returned to his Majeſtie, and after publiſhed by my Lord Keeper (my predeceſſour) in the Star-chamber.

For the manner of publiſhing it *I* will ſay nothing, but leave

leave it to thoſe, whoſe memories wil call to mind what was then done.

The reaſon of the ſubſcription of *Iuſtice Hutton*, and *Iuſtice Crooke*, (though they differed in opinion) grew from this that was told them, from the reſt of the *Iudges*,

That where the greater number did agree in their vote, the reſt were involved and included.

And now *I* have faithfully delivered, what *I* did in that buſineſſe, till *I* came (which was afterwards) to my argument in the Exchequer Chamber, for the queſtion was, *A ſcire facias* iſſued out of the Exchequer, in that caſe of Maſter *Hampdens*; of which *I* can ſay nothing, for it was there begun, and afterwards rejourned, to have advice of all the *Iudges*.

Maſter Speaker, among the reſt (according to my duty) *I* argued the caſe.

I ſhall not trouble you, to tell you what my argument was, I preſume there are Copies enough of it; onely I will tell you there are foure things, very briefly, what I then declared.

Firſt, concerning the matter of danger, and neceſſity of the whole Kingdome.

I profeſſe that there was never a Judge in the Kingdome did deliver an opinion, but that it muſt be in a caſe of apparant danger.

When we came to an argument of the caſe, it was not upon a matter or iſſue, but it was upon a demurrer.

Whether the danger was ſufficiently admitted in pleading, and therefore was not the thing that was in diſpute, that was the firſt degree and ſtep that led unto it.

I did deliver my ſelfe as free and as cleare as any man did, that the King ought to governe by the poſitive Lawes of the Kingdome, that hee could not alter nor change, nor innovate in matters of Law, but by common conſent in Parliament.

I did further deliver, that if this were uſed to make a further revenue or benefit to the King, or in any other way but in caſe of neceſſity, and for the preſervation of the Kingdome,

dome, The judgement did warrant no such thing:

My opinion in this busineſſe, I did in my concluſion of my argument ſubmit to the judgement of this Houſe.

I never delivered my opinion, that mony ought to be raiſed, but Ships provided for the defence of this Kingdome, and in that the Writ was performed.

And that the charge ought not to be in any caſe, but where the whole Kingdome was in danger.

And Maſter Juſtice *Huston*, and Maſter Iuſtice *Crooke*, were of the ſame opinion with me.

I doe humbly ſubmit, having related unto you my whole carriage in this buſineſſe, humbly ſubmitting my ſelfe to your grave and favourable cenſures, beſeeching you not to think that I delivered theſe things with the leaſt intention to ſubvert or ſubject the common Law of the Kingdome, or to bring in, or to introduce any new way of government, it hath bin farre from my thoughts, as any thing under the heavens.

Maſter Speaker, I have heard too that there hath bin ſome ill opinion conceived of me about Forreſt buſineſſe, which was a thing farre out of the way of my ſtudy, as any thing I know towards the Law.

But it pleaſed his Majeſty, in the ſickneſſe of Maſter *Noy*, to give ſome ſhort warning to prepare my ſelfe for that imployment.

When I came there, I did both the King and Common-wealth acceptable ſervice, for I did and dare be bold to ſay, with extreame danger to my ſelfe and fortune, (ſome doe underſtand my meaning herein) run through that buſineſſe, and left the Forreſt as much as was there.

A thing in my judgement conſiderable for the advantage of the Common-wealth, as could be undertaken.

When I went downe about that imployment, I ſatisfied my ſelfe about the matter of perambulation.

There were great difficulties of opinions, what perambulation was.

I did arme my ſelfe as well as I could, before I did any thing in it,

I did acquaint those that were then Judges, in the presence of the noble Lords, with such objections as I thought it my duty to offer unto them.

If they thought they were not objections of such waight, as were fit to stirre them, I would not doe the King that disservice.

They thought the objections had such answers as might well induce the like upon a conference with the whole Country, admitting mee to come and conferre with them, the Country did unanimously subscribe.

It fell out afterwards, that the King commanded me, and all this before I was chiefe Justice, to goe into *Essex*, and did then tell me he had beene enformed, that the bounds of the Forrest were narrower, then in truth they ought to be; and I did according to his command.

I will here professe that which is knowne to many, I had no thought or intention of enlarging the bounds of the Forrest, further then *H.* and that part about it, for which there was a perambulation about 26 *Edward* 4.

I desired the Country to confer with me about it, if they were pleased to doe it; and then according to my duty, I did produce those Records which I thought fit for his Majesties service, leaving them to discharge themselves as by Law and Justice they might doe.

I did never in the least kind, goe about to overthrow the charter of the Forrest.

And did publish and maintaine *Charta de Foresta*, as a sacred thing, and no man to violate it, and ought to be preserved for the King and Common-wealth.

I doe in this humbly submit, and what I have done, to the goodnesse and Justice of this House.

FINIS.

Mr. *Herbotle Grimſtones* ſecond Speech in Parliament the 18. of December. 1640.

Maſter Speaker.

THere hath been preſented to the houſe a moſt faithfull and exact report of the conference wee had with the Lords yeſterday, together with the opinion of the Committees that we imployed in the ſervice, that they conceaved it fit, that the Archbiſhop of *Canterbury* ſhould be ſequeſtred, and I muſt ſecond the motion. And with the favour of this House, I ſhall be bold to offer my reaſons, why I conceive it more neceſſary wee ſhould proceed a little further then the deſire of a bare ſequeſtration onely.

Maſter Speaker, long Introductions are not ſuitable to waighty buſineſſes: wee are now fallen upon the great man, the Archbiſhop of *Canterbury*, looke upon him as hee is in highneſſe, and he is the Stye of all peſtilentiall filth, that hath infected the State and Government of this Common-wealth: Looke upon him in his dependances, and he is the man, the onely man that hath raiſed and advanced all thoſe, that together with himſelfe have beene the Authors and Cauſers of all our ruines, miſeries, and calamities wee now groane under. Who is it but he only that hath brought the Earle of *Strafford*

to all his great places and imployments; a fit ſpirit and inſtrument to act and execute all his wicked and bloudy Deſignes in theſe Kingdomes.

Who is it but hee onely that brought in Secretary *Windibank* into this place of ſervice of truſt, the very Broker and Pander to the Whore of *Babylon*.

Who is it *Maſter Speaker*, but hee onely that hath advanced all our Popiſh Biſhops, I ſhall name but ſome of them, Biſhop *Manering*, the Biſhop of *Bath and Wells*, the Biſhop of *Oxford*, and Biſhop *Wren*, the leaſt of all theſe birds, but one of the moſt uncleane ones. Theſe are the men that ſhould have fed Chriſts Flock, but they are the Wolfes that have devoured them; the Sheepe ſhould have fed upon the Mountaines, but the Mountaines have eaten up the Sheepe. It was the happineſſe of our Church, when the Zeale of Gods houſe eat up the Biſhops, glorious and brave Martyrs, that went to the Stake in defence of the Proteſtant Religion: but the Zeale of the Biſhops hath beene onely to perſecute and eat up the Church.

Who is it *Maſter Speaker* but this great Archbiſhop of *Canterbury*, that hath ſitten at the helme, to ſteere and to mannage all the projects that have beene ſet on foot in this Kingdome this tenne yeares laſt paſt: and rather then hee would ſtand out, he hath moſt unworthily trucked and chafered in the meaneſt of them; as for inſtance, that of Tobacco, wherein thouſands of poore people have beene ſtripped and turned out of their Trades, for which they have ſerved as Apprentizes: wee all know he was the Compounder and Contracter with them for the Licences, putting them to pay Fines, and a fee Farme rent to uſe their Trade certainly. *Maſter Speaker*, hee might have ſpent his time much better, and more for his Grace in the Pulpit, then thus ſherking and raking in the Tobacco-ſhops. *Maſter Speaker*, we all know what

what he hath been charged withall here in this house, crimes of a dangerous consequence, and of a transcendent nature, no lesse then the subversion of the Government of this Kingdome, and the alteration of the Protestant Religion: and this is not upon bare information onely, but much of it is come before us already upon cleare and manifest proofes, and there is scarce any grievance or complaint come before us in this Place, wherein we do not find him intermentioned, and as it were twisted into it, like a busie angry Waspe, his sting is in the tayle of every thing, wee have likewise this day heard the report of the conference yesterday, and in it the accusation which the *Scottish* Nation hath charged him withall, and we doe all know he is guilty of the same, if not more here in this Kingdome.

Master Speaker, hee hath beene the great and common enemie of all goodnesse, and good men, and it is not safe that such a Viper should be neare his Majesties person, to distill his poyson into his sacred eares, nor is it safe for the Common-wealth, that he sit in so eminent a place of government being thus accused; wee know what we did in the Earle of *Straffords* case: this man is the corrupt fountaine that hath infected all the streames, and till the Fountaine be purged, we can never expect or hope to have cleare channels, I shall be therefore bold to offer my opinion, and if I erre, it is the error of my judgement, and not my want of zeale and affection to the publique good. I conceive it is most necessary and fit, that we should now take up a resolution to doe somwhat, to strike while the iron is hot, and to goe up to the Lords in the names of the Commons of this House, and in the names of the Commons of *England*, and to accuse him of high Treason, and to desire their Lordships his person may be sequestred, and that in convenient time wee may bring up his charge.

FINIS.

A Meſſage ſent from the Queenes Majeſtie to the Houſe of Commons by Mr. Comptroller.

5°. *Febr.* 1640.

THat her Majeſtie hath beene ready to uſe her beſt endeavours for the removing of all miſunderſtanding between the King and people.

That at the requeſt of the Lords, who petitioned the King for a Parliament, her Majeſtie at that time writ effectually to the King, and ſent a Gentleman expreſly to perſwade the King to the holding of a Parliament.

That ſhee hath ſince beene moſt willing to doe all good Offices betweene the King and his People, which is not unknowne to divers of the Lords, and ſo ſhall ever continue to doe, as judging it the onely way of happineſſe to the King, her ſelfe, and Kingdome,

That all things be juſtly ſetled betweene the King and his people, and all cauſe of miſunderſtanding taken away and removed.

That her Majeſtie having taken a knowledge, that having one ſent to her from the Pope, is diſtaſtfull to this Kingdome, She is deſirous to give ſatisfaction to the Parliament, which in convenient time ſhee will doe, and remove him out of the Kingdome.

That underſtanding likewiſe that Exception had beene taken to the great reſort to the Chappell of *Denmark* Houſe, ſhee will be carefull not to exceed that which is convenient and neceſſary for the Exerciſe of her Religion.

Shee further taketh notice, that the Parliament is not ſatisfied

tisfied with the manner of raiſing mony, for the aſſiſtance of the King in his Journey to the North, in the yeare 1639, at her entreaty from the Catholiques. Shee was moved thereunto meerely out of her deere and tender affection to the King, and of the Example of other his Majeſties Subjects. She ſeeing the like forwardneſſe, ſhee could not but expreſſe her forwardneſſe to the aſſiſtance of the King.

If any thing be illegall, ſhee was ignorant of the Law, and was carried therein onely out of a great deſire to be aſſiſting to the King in ſo preſſing an occaſion, but promiſeth to be more cautious hereafter, not to doe any thing, but may ſtand with the eſtabliſhed Lawes of the Kingdome.

Her Majeſtie being deſirous to imploy her whole power to unite the King and people, deſireth the Parliament to looke forwards, and paſſe by ſuch miſtakes and errors of her Servants, as may be formerly committed. And this your reſpect ſhee promiſeth, ſhall be repayed with all the good Offices ſhee can doe to the Houſe, which you ſhall finde with reall effects, as often as there ſhall be occaſion.

(***)

FINIS.

The Report of the Kings Message by the Lords to the House of Commons.

January 25. 1640.

THat the occasion of his Majesties taking knowledge of the Conviction of *John Goodman* the Priest lately reprived, was upon the constant order that hath beene taken for divers yeares, that the Recorder hath at the end of every Sessions attended his Majestie with the names of the persons convicted, with an expression of their offences, to the end that his Majestie might be truly enformed of the Natures of their Crimes, and consequently not to be enduced by information, to reprive such as were fit for grace and mercy: And thereupon that he was lately Condemned for being in order of a Priest meerely, and was acquited of the Charge of perverting the Kings people in their beliefe, and had never beene Condemned or Banished before. His Majestie is tender in matter of blood in Cases of this nature, In which Queene *Elizabeth* and King *James* have beene often mercifull: but to secure his people that this man shall doe no more hurt, Hee is willing that he be imprisoned or banished as their Lordships shall advise. And if he returne into the Kingdome, to be put to Execution without delay. And Hee will take such fit course for the expulsion of other Priests and Jesuites, as Hee shall be councelled unto by your Lordships, And that Hee doth not intend by this particular Mercie, to lessen the force of the Lawes.

FINIS.

SIR THOMAS ROE his Speech in Parliament, 1640.

IT is a generall opinion that the trade of *England* was never greater; and it may be true, that if it be ſo, yet it will not abſolutely conclude that the Kingdome doth increaſe in riches: for the Trade may by very aboundant, and yet, by conſumption and importance of more then is expected, the ſtocke may waſte.

The Ballance would be a true ſolution of the Queſtion, if it could be rightly had: but by reaſon it muſt be made up by a *Medium* of the Books of Rates, it will be very uncertaine.

Therefore we muſt ſeeke another rule that is more ſenſible, upon which wee may all judge, and that may be by the plenty or ſcarcity of money; for it is a true rule, If money increaſe, the Kingdome doth gaine by Trade; if it be ſcarce, it loſeth.

Let us therefore conſider, firſt, whether our Gold and Silver be not decreaſed, and then by what meanes it is drayned, and laſtly, how it may be prevented, and what Remedies are appliable to effect it.

It is out of doubt our Gold is gone to travaile without Lidence, that is viſible beyond Seas, and every re-

ceiver of ſummes of money muſt find it privately: and I feare the ſame of Silver; for, obſerving the ſpecies of late Coyning, many halfe Crownes were ſtamped which are no more to be ſeene; and by this meaſure I conclude the Kingdome growes poore.

The cauſes of this decay of Money may be many; It may be ſtolne out for profit, going much higher beyond Seas, eſpecially in *France* and *Holland*.

Much hath been drawn away by the Stranger upon feares of our Troubles, of which I have experience by Exchanges, and Exchanges are the great myſtery, eſpecially ſuch as are uſed as a Trade, and governed by Bankers, who make many returnes in a yeare, and gaine by every one more then the intereſt of a yeare; and the greateſt danger to a State is, *when money is made Merchandize, which ſhould be but the meaſure thereof.*

And here I will propoſe a Probleme, Whether it were profitable to a Kingdome or not, that the Stranger for many yeares had a great ſtock here at intereſt, and ſtill hath ſome. I confeſſe it hath ſupplyed the neceſſities of Merchants, and helped to drive Trade: But my *Quere* is this, Suppoſe the firſt principall were truely brought in by the Stranger, yet, doubling every tenne yeares, what becomes of the increaſe? Have they not lived by our Trade and the Merchant-adventurers, and ſoaked the Kingdome of as many times principall as they have practiſed this Uſury many times ten yeares, and in the end drawne or carried all away? This is a point to a State very conſiderable.

Much Coyne hath beene drawne away without doubt by the *French*, who have brought in Wares of little bulke, perhaps without cuſtome, but of deare price; and having turned them into Gold, have returned without inveſting any part thereof; and ſuch petty Merchants cannot bee reached by the Statute of imployments.

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Another cause of scarcity of Coine may be the over strict rule of the uncurrentnesse of any good Coine, and that it must bee sold here as bullion: in that case what Stranger will bring in money? *Whereas, if every good species were current according to his allay and weight in proportion to our Coyne, or rather a little higher, it would draw (namely) money by degrees into England, as lower grounds doe water from higher, though they see not the Channels. And wee see France, Holland, and Germany, admit all good Coynes, though forraigne, for and above their intrinsique value.*

But I will end this search by proposing some generall Remedies, for I doe now but make Essayes and give occasion to more subtill and particular disquisition.

1. *To the first leake of stealing away Coyne, I would make it felony by an Act: for if a man may justly suffer death for robbing of a private man, I see no injustice nor cruelty to inflict the same punishment upon him that robs a Kingdome.*

2. *That the neighbour Princes and States doe cry up our money, and so entice it from us. This in my judgement ought to be provided for by our Treaties, which was the old way, especially of Commerce, by agreeing and publishing of Placarts according to a true Par: For that Prince that will make a treatie of Commerce, doth it for the use of the commoditie; which certainly I would deny any Prince that would not consent to keep moneyes even by their true values, at least, that would set a higher price upon our money then the King hath done: And if our Coyne did either keep beyond the Seas the English value, or were bullion and uncurrent, the stranger should have as little of our money, as we have of theirs.*

How to recover the strangers money, drawne away since our troubles, is a hard endeavour, and can no wayes be brought to passe but by peace and Trade: and

the resolution of this will fall into the generall remedy which I shall propose.

The pedling *French* Trade must bee met with by diligent search at the landing of these *Creamers*, what they bring in, and by suffering none of them to passe any goods by private Warrants: but that according as they shall be valued; they give bond to invest it in *English* Commoditie, naturall, or naturalized; and that with surety: *Nay in this Case not to allow them exchange by bills; for it will not hurt the Common-wealth if by any rigour they were beaten out of their private toyish traffique.*

I shall not doubt to offend any but the Mint, which may be recompenced to his Majesty in his customes, if money bee plentifull; for all goods will follow money. If I did propose the currentnesse of all goods, and great species of forraigne Coins, for their true intrinsique value, according to the pay with ours, and if I say a little higher, according to occasions, keeping our owne Coine pure and constant to bee cryed downe as much under according to occasions, I thinke it will bee a policy both reasonable and profitable, by experience tryed in other States.

But leaving these Empiricall practises, I come now to the great and infallible Rule and Remedy, which is, in plaine English, to settle and assure the ground of Trade upon staple Commodities; then, like the Lady of *Whitsontide* to her Pipe, money will dance after that; for as Merchandize doth follow money, so doth money Commodity.

I said at first, it was a generall opinion, that Trade never flourished more then now, and it may be so; but wee must consider this be not accidentall and changeable, and depending more upon the iniquity or misery of the times, then upon our owne Foundation and industry; and if that bee so, then it is no sure ground for

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a ſtate to rely upon; for if the cauſes change, the effects will follow.

Now it is true, that our great Trade depends upon the troubles of our Neighbours, and wee enjoy almoſt the Trade of Chriſtendome; but if a peace happen betwixt *France*, *Spaine*, and the united Provinces, all theſe will ſhare what wee now poſſeſſe alone, and therefore wee muſt provide for that day; for nothing ſtands ſecure but upon his owne foundation.

To make then our owne Trade ſecure, wee muſt conſider our own ſtaple commodities, whereof Wooll is the chiefeſt, and ſeeke the way to both, to keepe up the price at home, and the eſtimation of all commodity made of that, and to be vented abroad.

Some other helpes we have, as Tynne Lead, and ſuch like; but I dare confidently affirme, *That nothing exported of our owne growth hath ballanced our Riotous conſumption at home, but thoſe forraigne commodities, which I call naturalized, that is, that ſurplus of our Eaſt-India Trade, which being brought home in greater quantity then are ſpent within the Kingdome, are exported againe, and become in value and uſe as naturall commodities: and therfore, by the way, I hold it abſolutely neceſſary to maintaine that Trade by a Regulation with the Dutch; of which more reaſon ſhall be given, when that particular ſhall be taken into conſideration.*

We have yet another great helpe which is our owne, and wants onely our induſtry to gather the harveſt, which is our Fiſhing and erecting of Buſſes both for the enriching of our Kingdome, and the breeding of Mariners; *and this by private induſtry (though to private loſſe) is beaten out ready, and ſhall bee offered to the Commonwealth, if they pleaſe to accept of it: and to give you one onely encouragement, I doe avow that before the* Dutch *were lately interrupted by the* Dunkerks, *by their induſtry, and our fiſh, they made as great Returnes betweene* Danſick *and* Naples *as the value of our Cloth, which is one million yeare-*

ly: and this in a due place I desire should have his due weighe and consideration.

We have one helpe more, if we knew how to use it, *that is, by the new drained Lands in the Fens, most fit for Flax and Hempe, to make all sorts of Linnen for the body, for the house, and sayles for ships, that is a* Dutch *and* French *Trade; but in* Holland *one Acre of Ground is rented at three pounds, which of the* Hollanders *may have in the Fens for* 10. *s. or* 12. *s. it will bee easie to draw the manufacture into England, which will set infinite people a-worke, and we may be able to serve other Nations with that which we buy deare from them*, and then the state and Kingdome will be happy and rich, when the Kings customes shall depend upon commodities exported, and those able to returne all things which wee want; and then our money must stay within our Kingdome, and all the trade returne in money. To incourage you to this, I give you one Example.

That, if the severall sorts of *Callicoes*, made of *Cotton-Woolle* in the *Moguls* and *Dans* Dominions, doth cloathe from head to foot all *Asia*, a part of *Europe*, *Ægypt*, much of *Africa*, and the *Easterne Islands* as farre as *Sumatra*, which makes that Prince without Mines the richest Prince in the world; by his Majesties Grace and Priviledges granted to the *Dutch*, I am confident wee may make an undersell in all Linnen cloath in all the Nations in *Europe*.

But I have now wandred far from my Theme, which was the decay of Trade and of Woollen commodity.

I must first therefore present to your consideration the causes thereof in my observations; whereof some are internall, and some externall.

The internall have proceeded from her owne false making, as stretching, and such like practises, whereby indeed our Cloath is discredited: I speake by experience,

rience, from *Dantzick* and *Holland*, Northward, to *Conſtantinople*; as I will inſtance in due time.

This falſe Lucre of our owne, and the interruption in the dying and dreſſing (projected and not overcome) gave the firſt wound, though, could it have been compaſſed, it had doubled the value of our Commodity.

This hath cauſed the *Dutch*, *Sileſians* and *Venetians* to attempt the making of Cloath, and now, by experience (as I am informed) *the halfe is not vented, that was in the former Age.*

Another internall cauſe hath riſen from ſuch Impoſitions, as hath made our cloth too deare abroad, and conſequently taught others to provide for themſelves.

Another internall cauſe hath ſprung from preſſuries upon tender Conſciences, that many of our Clothiers and others have forſaken the Kingdome, and carried their Arts with them, to the unexpreſſible detriment of the Commonwealth.

The externall cauſes have beene the want of perfection, and countenance to our Merchants eſtabliſhed abroad in Factories by the State and by the Treaties, whereby the Capitulations have not beene kept nor aſſured unto them, neither in *Pruſſia*, nor in the *Sound*, nor *Hamburgh*, nor *Holland*, nor in the Eaſt: And this I dare ſay, *that Laban never changed Jacobs wages, ſo often as the Hollanders have forced our Merchants to change their reſidences*, and the very courſe of this Trade by Lawes and Tricks for their own advantage; of which the Merchant-adventurers will more fully informe you.

Another externall cauſe is lamentable, *Report, the increaſe of the Pyrates, and the inſecurity of the Mediterranean Seas*; *whereby Briſtow and the Weſterne Ports, that cannot have ſo great ſhipping as* London, are beaten out of Trade and fiſhing: and if once thoſe Theeves ſhall find

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the way to Banke and new-found Land, they will undoe the West parts of *England*.

I will trouble you with a Consideration very considerable in our Government, Whether indeed *London* doth not monopolize all Trade. In my opinion it is no good state of a body to have a fat Head, thin Guts, and leane Members.

But to bring something before you of Remedy, I say thus for my first ground, That if our Cloth be not vented as in former yeares, let us imbrace some other way to spend and vent our Wools. Cloth is a heavy and hot wearing, and serves but one cold corner of the World: But if we imbrace the new Draperies, and encourage the Wallons and others, by Priviledges and Naturalizations, wee shall imploy all the wooll wee have, set more people a worke then by Cloth, and a pound of wooll in those stuffes true made, will out-sell two pounds in Cloth. *And thus wee may supply France, Italy, Spain, Barbary, and some parts of Asia, by such light and fine stuffes as will fit those warmer Regions, and yet have sufficient for the cold Clymates to be spent and adventured in true made Cloth, by the reputation both of our Nation and commodity.*

But in this course, I must observe, that these strangers so fit to be nourished, and being Protestants, may have priviledges to use their owne rights in Religion, so as they be not scandalous, as the Dutch and French had granted unto them by Queen *Elizabeth*. And certainly the setling of Religion secure in *England*, the feare whereof made many weake minds to waver and abandon this Countrey, is, and will be a great meanes to resettle both the great and lesser manufactures of woollen commodities.

For the externall causes, wee must flye to the Sanctuary of his Majesties gracious goodnesse and protection, who, I am confident, when the whole busi-

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neſſe ſhall be prepared for him, and that we have ſhewed him our duty and love and ſettled his cuſtoms in ſuch a bountifull way as hee may reape his part of the fruit of Trade; I am confident, I ſay, that he will vouchſafe you all favour fit to be conferred upon good Subjects, and not onely protect you abroad by his forces and authority, and by treaties with his neighbours, but by increaſing the priviledges of Merchants at home, and confirming all their Charters; the breach whereof hath beene a great diſcouragement unto them, and without which duely obſerved, they cannot regulate their Trade.

There are ſome particulars in the *Spaniſh* Trade, perhaps worthy of animadverſion, as under-ſelling good commodity to make money, or barter for Tobacco, to the imbaſement of our owne Staple for Smoake, which in a due place ought to bee taken into Regulation.

Another conſideration for a ground of Trade, ought to be the nature of it, with whom, and for what wee trade, and which Trade is more principally to bee nouriſhed, which, out of doubt, are the *Northern* Trades, which are the root of all other, becauſe the materials brought from thoſe parts, as from *Wx*, *Muſcove*, *Norway*, *Pruſſia*, and *Livonia*, are fundamentall and of abſolute neceſsity; for from theſe Trades we get the materials of Shipping, as Pitch, Tarre, Cordage, Maſts, and ſuch like, which inable us to all the *Southerne* Trades of themſelves, of leſſe uſe, being onely Wine, Fruit, Oranges and Curioſities for Sauces or effeminacy; but by theſe, we ſayle to the Eaſt-Indies, and may erect a Company of the Weſt-Indies, for the golden fleece, which ſhall bee prepared for you, whenſoever you are ready for ſo great a Conſultation.

The right way to nouriſh theſe *Northerne* Trades, is

by his Majesties favour to presse the King of *Denmark* to Justice, not to come as his intolerable Taxes newly imposed upon Trade in the passage of the *Sound*; in Examples whereof, the Elector of *Brandenburgh* joyning with the King of *Poland*, hath likewise more then trebled the ancient and capitulated Duties; which if that they shall continue, I pronounce all the Commerce of the *Baltique* Sea so over-burthened, *That the East-land Company cannot subsist*, nor without them and the *Muscovie* Company the Navigation, but that the materials for shipping will be doubled, which will eat out all Trades. I have given you but Essayes, and strooke little sparkes of fire before you. *My intention is but to provoke the wit and ability of others; I have drawn you a Map, wherein you cannot see things clearely and distinctly, onely I introduce matter before you: and now I have done, when I have shewed you the way how to enlarge and bring every particular thing into debate.*

To which end, my motion and desire is this, That we may send to every severall Company of Merchants trading in Companies, and under Government and Priviledges, and to aske of them, what is their Grievances in their generall Trade (not to rake into private Complaints, what are the causes of decay or abuses in their Trades, and of the want of money, which is visible and of the great losses, both to the Kingdome and to every particular, by the late high exchanges; and to desire every one of these Companies to set downe their judgement in writing to the Committee by a day appointed, and having from them all the generall state of the complaints severally, we shall make some judgements of these relations one to another. this done, I desire to require all the same severall Companies, upon their owne papers, to propose to us in writing the Remedies appliable in their judgement; which materials having altogether, and comparing one with another,

another, we ſhall diſcover that truth which we ſeeke; that is, whether Trade and Money decay or not, and how to remedy it.

But I have one requeſt more, and ſo I will eaſe you of my loſſe of your time; That when from all theſe Merchants we ſhall have before us ſo much matter and without ſuch variety, and perhaps not without private and partiall ends, that then you will give me leave to repreſent to you the names of ſome generall and others diſ-intereſſed and wel experienced in many particulars, who may aſſiſt our judgements in all the premiſſes, particularly in moneys and exchanges, and give us great light to prepare our reſult and reſolution to bee by the whole Houſe of Commons repreſented to his Majeſty, and for expedition, that a ſub-Committee, may be named to direct this Information from the Merchants.

THE LORD FAUKLAND His SPEECH, Concerning EPISCOPACY.

MASTER SPEAKER, he is a great ſtranger in *Iſrael* who knowes not that this Kingdome hath long laboured under many and great oppreſſions, both in religion and liberty: and his acquaintance here is not great, or his ingenuity leſſe, who doth not both know and acknowledge that a great, if not a principall, cauſe of both theſe have beene ſome Biſhops and their adherents.

Maſter Speaker, a little ſearch will ſerve to find them to have beene the deſtruction of unitie, under pretence of uniformity, to have brought in ſuperſtition and ſcandall; under the titles of reverence and decency, to have defil'd our Church; by adorning our Churches, to have ſlackned the ſtrictneſſe of that union which was formerly betweene us and thoſe of our religion beyond the ſea; an action as unpoliticke as ungodly.

Maſter Speaker, wee ſhall finde them to have Tith'd Mint and Aniſe, and have left undone the weightier works of the Law; to have been leſſe eager upon thoſe who damne our Church, then upon thoſe who, upon weake conſcience, and perhaps as weake reaſons (the diſlike of ſome commanded garment, or ſome uncommanded poſture) onely abſtained from it. Nay, it hath been more dangerous for men to goe to ſome neighbours Pariſh, when they had no ſermon in their owne, then to be obſtinate and perpetuall Recuſants; while Maſſes have been ſaid in ſecurity, a conventicle

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hath beene a crime, and which is yet more, the conforming to ceremonies hath beene more exacted then the conforming to Christianity; and whilest men for scruples have beene undone, for attempts upon *Sodomie* they have onely beene admonished.

Master Speaker, we shall find them to have beene like the hen in *Esop*, which laying every day an egge upon such a proportion of barly, her Mistresse increasing her proportion in hope shee would encrease her egges, shee grew so fat upon that addition, that shee never laid more: so though at first their preaching were the occasion of their preferment, they after made their preferment the occasion of their not preaching.

Master Speaker, we shall find them to have resembled another fable, the dog in the manger; to have neither preached themselves, nor employ'd those that should, nor suffered those that would: to have brought in catechising only to thrust out preaching, cryed downe Lectures by the name of Factions, either because their industry in that duty appeared a reproofe to their neglect of it, (not unlike to that we read of him, who in *Nero's* time and *Tacitus* his story was accused, because by his vertue he did appeare *Exprobrare vitia Principis*) or with intention to have brought in darkenesse, that they might the easier sow their tares, while it was night; and by that introduction of ignorance, introduce the better that Religion, which accompts it the Mother of devotion.

Master Speaker, in this they have abused his Majesty, as well as his people; for when they had with great wisedome (since usually the children of darkenesse are wiser in their generation then the children of light; I may guesse not without some eye upon the most politicke action of the most politicke Church) silenced on both parts those opinions which have often tormented

mented the Church, and have, and will alway trouble the ſchooles, they made uſe of this declaration to tye up one ſide, and let the other looſe, whereas they ought either in diſcretion to have beene equally reſtrained, or in juſtice to have beene equally tolerated. And it is obſervable, that that party to which they gave this licence, was that whoſe doctrine, though it were not contrary to law, was contrary to cuſtome, and for a long while in this Kingdome was no oftner preached then recanted.

The truth is, *Maſter Speaker*, that as ſome ill Miniſters in our ſtate firſt tooke away our mony from us, and after indeavoured to make our mony not worth the taking, by turning it into braſſe by a kind of *Antiphiloſophers-ſtone*: ſo theſe men uſed us in the point of preaching, firſt depreſsing it to their power, and next labouring to make it ſuch, as the harme had not beene much if it had beene depreſſed, the moſt frequent ſubjects even in the moſt ſacred auditories, being the *Jus divinum* of Biſhops and tithes, the ſacrednesſe of the clergie, the ſacrilege of impropriations, the demoliſhing of puritaniſme and propriety, the building of the prerogative at *Paules*, the introduction of ſuch doctrines, as admitting them true, the truth would not recompence the ſcandall: or of ſuch as were ſo far falſe, that, as Sir *Thomas More* ſayes of the Caſuiſts, their buſineſſe was not to keepe men from ſinning, but to enforme them, *Quàm prope ad peccatum ſine peccato liceat accedere*: ſo it ſeemed their worke was to try how much of a Papiſt might bee brought in without Popery, and to deſtroy as much as they could of the Goſpell, without bringing themſelves into danger of being deſtroyed by the Law.

Maſter Speaker, to goe yet further, ſome of them have ſo induſtriouſly laboured to deduce themſelves from *Rome*, that they have given great ſuſpition that

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in gratitude they desire to returne thither, or at least to meet it halfe way: Some have evidently labour'd to bring in an *English*, though not a *Roman* popery: I meane not onely the outside and dresse of it, but equally absolute; a blind dependance of the people upon the Clergie, and of the Clergie upon themselves; and have opposed the papacy beyond the sea, that they might settle one beyond the water. Nay, common fame is more then ordinarily false, if none of them have found a way to reconcile the opinions of *Rome* to the preferments of *England*; & be so absolutely, directly and cordially Papists, that it is all that fifteene hundred pounds a yeare can doe to keep them from confessing it.

Master Speaker, I come now to speake of our liberties; and considering the great interest these men have had in our common Master, and considering how great a good to us, they might have made that interest in him, if they would have used it to have informed him of our generall sufferings; and considering how little of their freedome of Speech at *Whitehall* might have saved us a great deale of the use wee have now of it in the Parliament-house, their not doing this alone were occasion enough for us to accuse them as the betrayers, though not as the destroyers of our rights and liberties: Though, I confesse, if they had been onely silent in this particular, I had beene silent too: But, alas, they whose Ancestors in the darkest times excommunicated the breakers of *Magna charta*, did now by themselves, and their adherents, both write, preach, plot, and act against it, by encouraging Doctor *Beale*, by preferring Doctor *Mannering*, appearing forward for Monopolies and ship-mony: and if any were slow and backeward to comply, blasting both them and their preferment, with utmost expression of their hatred, the title of Puritans.

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Master Speaker, wee shall find some of them to have labour'd to exclude both all persons, and all causes of the Clergy, from the ordinary jurisdiction of the temporall Magistrate, and by hindring prohibitions (first by apparent power against the Judges, and after by secret agreements with them) to have taken away the onely legall bound to their arbitrary power, and made as it were a conquest upon the common law of the Land, which is our common inheritance; and after made use of that power to turn their brethren out of their free-holds, for not doing that which no law of man required of them to doe; and which (in their opinions) the law of God required of them not to doe. Wee shall finde them in generall to have encouraged all the Clergy to suites, and to have brought all suites to the Councell-table, that having all power in Ecclesiasticall matters, they laboured for equall power in Temporall, and to dispose as well of every Office, as of every Benefice, which lost the Clergy much revenew, and much reverence, (whereof the last is never given when it is so asked,) by encouraging them indiscreetly to exact more of both then was due; so that indeed the gaine of their greatnesse extended but to a few of that order, though the envy extended upon all.

We shall find of them to have both kindled & blown the common fire of both nations, to have both sent and maintained that booke, of which the Author no doubt hath long since wish'd with *Nero*, *Vtinam nescissem literas!* and of which more then one Kingdome hath cause to wish, that when hee writ that, hee had rather burnd a Library, though of the value of *Ptolomie's*. We shall finde them to have beene the first and principall cause of the breach, I will not say of, but since the pacification at *Berwike*. We shall find them to have beene the almost sole abettors of my Lord of *Strafford*,

Strafford, whilest hee was practising upon another Kingdome that manner of government which hee intended to settle in this, where he committed so many, so mighty, and so manifest enormities and oppressions, as the like have not beene committed by any Governour in any government, since *Verres* left *Sicily*. And after they had called him over from being Deputy of *Ireland*, to bee in a manner Deputy of *England*, (all things here being govern'd by a *Juntilla*, and that *Juntilla* govern'd by him) to have assisted him in the giving of such Councells, and the pursuing of such courses, as it is a hard and measuring cast, whether they were more unwise, more unjust, or more unfortunate, and which had infallibly beene our destruction, if by the grace of God, their share had not beene as small in the subtilty of Serpents, as in the innocency of Doves.

Master Speaker, I have represented no small quantity, and no meane degree of guilt; and truly I beleeve that wee shall make no little complement to those, and no little apologie for those to whom this charge belongs, if wee shall lay the faults of the men upon the order of the Bishops, upon the *Episcopacy*. I wish we may distinguish betweene those, who have beene carried away with the streame, and those who have beene the streame that carry'd them; betweene those whose proper and naturall motion was towards our raine and destruction, and those who have beene whirl'd about to it, contrary to their naturall motion, by the force and swinge of superiour *Orbes*: and as I wish wee may distinguish betweene the more and lesse guilty; so I yet more wish wee may distinguish betweene the guilty and the innocent.

Master Speaker, I doubt, if we consider that if not the first Planters, yet the first Spreaders of Christiani-

ty, and the first and chiefe Defenders of Christianity against Heresies within, and Paganisme without, both with their inke and with their blood; and the maine conducers to the resurrection of Christianity, (at least) here in the reformation (and we owe the light of the Gospell, wee now enjoy to the fire they then endur'd for it,) were all Bishops: and that even now in the greatest perfection of that order, there are yet some who have conduc'd in nothing to our late innovations, but in their silence; some, who in an unexpected and mighty place and power, have expressed an equall moderation and humility, being neither ambitious before, nor proud after, either of the Crosiers staffe, or white staffe: some who have beene learned opposers of Popery, and zealous opposers of *Arminianisme*; betweene whom, and their inferiour Clergy, in frequency of preaching hath been no distinction; whose lives are untouched, not onely by guilt, but by malice; scarce to be equall'd by those of any condition, or to be excell'd by those in any Calendar. I doubt not, I say, but if wee consider this, this consideration will bring forth this conclusion, That Bishops may be good men, and let us give but good men good rules, we shall have both good governours and good times.

Master Speaker, I am content to take away all those things from them which, to any considerable degree of probability, may againe beget the like mischiefes, if they be not taken away. If their temporall titles, power and employment, appeare likely to distract them from the care of, or make them looke downe with contempt upon their Spirituall duty, and that the too great distance betweene them and those they governe will hinder the free and fit recourse of their inferiours to them, and occasion insolence from them to their inferiours; let that be considered, and car'd for;

for; I am sure neither their Lordships, their judging of tythes, wills and marriages, no nor their voyces in Parliaments are *Jure divino*; and I am as sure that these titles, and this power are not necessary to their authority, as appeares by the little they have had with us by them, and the much that others have had without them.

If their revenew shall appeare likely to produce the same effects, (for it hath beene anciently observ'd, that *Religio peperit divitias, & Filia devoravit matrem*;) let so much of that, as was in all probability intended for an attendant upon their temporall dignities, wait upon them out of the doors: Let us onely take care to leave them such proportions, as may serve in some good degree to the dignity of learning, and the encouragement of students; and let us not invert that of *Jeroboam*, and as he made the meanest of the people Priests, make the highest of the Priests the meanest of the people.

If it be feared that they will againe employ some of our Lawes with a severity beyond the intention of those Lawes against some of their weaker Brethren; that we may be sure to take away that power, let us take away those Lawes, and let no ceremonies which any number counts unlawfull, and no man counts necessary, (against the rules of *Policy*, and Saint *Paul*) be imposed upon them. Let us consider, that part of the rule they have hitherto gone by, that is, such Canons of their owne making as are not confirm'd by Parliament, have beene, or, no doubt, shortly will bee by Parliament taken away: that the other part of the rule (such Canons as were here received before the reformation, and not contrary to any law,) is too doubtfull to be a fit rule, exacting an exact knowledge of the Canon-law, of the Common-law, of the Statute-law knowledges, which those who are thus to governe

have not, and it is scarce fit they should have. Since therefore wee are to make new rules, and shall, no doubt, make those new rules strict rules, and bee infallibly certaine of a trienniall Parliament, to see those rules observ'd as strictly as they are made, and to encrease or change them upon all occasions; wee shall have no reason to feare any innovation from their tyranny, or to doubt any defect in the discharge of their duty: I am confident, they will not dare, either ordaine, suspend, silence, excommunicate, or deprive otherwise, then we would have them. And if this be beleeved, I am as confident, we shall not think it fit to abolish, upon a few dayes debate, an Order which hath lasted (as appeares by story) in most Churches these sixteene hundred yeares, and in all from Christ to *Calvin*, or in an instant change the whole face of the Church, like the scene of a Maske.

Master Speaker, I doe not beleeve them to be *Jure divino*, nay, I beleeve them not to be *Jure divino*, but neither doe I beleeve them to be *Injuriâ humanâ*. I neither consider them as necessary, nor as unlawfull, but as convenient or inconvenient: but since all great mutations in government are dangerous, (even where what is introduc'd by that mutation, is such as would have beene very profitable upon a primary foundation) and since the greatest danger of mutations is, that all the dangers and inconveniences they may bring are not to be foreseene; and since no wise man will undergoe great danger but for great necessity; my opinion is, that we should not root up this ancient tree, as dead as it appeares, till we have tryed whether by this, or the like lopping of the branches, the sap which was unable to feed the whole, may not serve to make what is left, both grow and flourish. And certainely, if we may at once take away both

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the inconveniences of Bishops and the inconvenience of no Bishops, that is of an almost universall mutation; this course can onely bee opposed by those who love mutation for mutations sake.

Master Speaker, to be short (as I have reason to be after having bin so long,) that this triall may be suddenly made, let us commit as much of the Ministers remonstrance, as we have read, that those heads both of abuses and grievances which are there fully collected, may be marshal'd and ordered for our debate: if upon that debate it shall appeare, that those may be taken away, and yet the Order stand, wee shall not need to commit the *London* Petition at all: for the cause of it will be ended; if it shall appeare, that the abolition of the one cannot be but by the destruction of the other, then let us not commit the *London Petition*, but let us grant it.

Master

Mr. PYM His SPEECH, After the Articles of the Charge against the Earle of STRAFFORD were read.

My LORDS,

THese Articles have expreſt the Character of a great and dangerous Treaſon, ſuch a one as is advanced to the higheſt degree of malice and of miſchiefe: It is enlarged beyond the limits of any deſcription or definition: it is ſo hainous in it ſelfe, as that it is capable of no aggravation: a Treaſon againſt God, betraying his Truth and Worſhip; againſt the King, obſcuring the glory, and weakning the foundation of his Throne; againſt the Common-wealth, by deſtroying the principles of Safetie and Proſperitie. Other Treaſons are againſt the Rule of the Law; this is againſt the beeing of the Law: It is the Law that unites the King and his People; and the Author of this Treaſon hath endeavoured to diſſolve that Union, even to breake the mutuall, irreverſall, indiſſoluble band of protection and Allegiance, whereby they are, and I hope ever will bee, bound together.

If this Treaſon had taken effect, our Soules had been inthralled to the Spirituall Tyranny of Sathan, our Conſciences to the Eccleſiaſticall Tyranny of the Pope; our Lives, our Perſons and Eſtates to the Civill Tyranny

Tyranny of an arbitrary, unlimited, confused Government.

Treason in the least degree, is an odious and a horrid Crime: other Treasons are particular; if a Fort bee betrayed, or an Army, or any other treasonable fact committed, the Kingdome may out-live any of these: this Treason would have dissolved the frame and beeing of the Common-wealth; it is an Universall, a Catholike Treason; the venome and malignity of all other Treasons are abstracted, digested, sublimated into this.

The Law of this Kingdome makes the King to be the fountaine of Justice, of Peace, of Protection; therefore we say, the Kings Courts the Kings Judges, the Kings Lawes. The Royall Power and Majestie shines upon us in every publique blessing and benefit wee enjoy: but the Author of this Treason would make him the fountaine of Injustice, of Confusion, of publike misery and calamitie.

The Gentiles by the light of Nature had some obscure apprehensions of the Deity, of which they made this expression, that bee was *Deus optimus maximus*, an infinite goodnesse, and an infinite greatnesse. All soveraigne Princes have some Characters of Divinity imprinted on them; they are set up in their dominions to bee *Optimi*, *Maximi*, that they should exercise a goodnesse proportionable to their greatnesse.

That Law terme, *Læsa Majestas*, whereby they expresse that which wee call Treason, was never more thorowly fulfilled then now: there cannot bee a greater læsion or diminution of Majestie, then to bereave a King of the glory of his goodnesse. It is goodnesse (My Lords) that can produce, not onely to his people, but likewise to himselfe honour and happinesse. There are Principalities, Thrones and Dominions amongst the Divels, greatnesse enough; but being uncapable

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of goodnes, they are made uncapable both of honour and happineſſe.

The Lawes of this Kingdome have inveſted the Royall Crowne with powet ſufficient for the manifeſtation of his goodnes and of his greatnes: if more bee required, it is like to have no other effects but povertie, weakneſſe, and miſerie, whereof of late wee have had very wofull experience. It is farre from the Commons to deſire any abridgement of thoſe great Prerogatives which belong to the King; they know that their own Liberty & Peace are preſerved and ſecured by his Prerogative, & they will alwayes be ready to ſupport and ſupply his Majeſty with their lives and fortunes, for the maintenance of his juſt and lawfull Power.

This (My Mords) is in all our thoughts, in our prayers, and I hope will ſo be manifeſted in our indeavours, that if the proceedings of this *Parliament* bee not interrupted as others have beene, the King may within a few moneths bee put into a cleare way, of as much greatneſſe, plenty and glory, as any of his Royall Anceſtors have enjoyed.

A King and his People make one Body: the inferiour parts conferre nouriſhment and ſtrength, the ſuperiour ſenſe and motion: If there be an interruption of this neceſſary intercourſe of bloud and ſpirits, the whole Body muſt needs bee ſubject to decay and diſtemper; therefore obſtructions are firſt to bee removed, before reſtoratives can be applyed. This (My Lords) is the end of this Accuſation, whereby the Commons ſeeke to remove this perſon, whom they conceive to have beene a great cauſe of the obſtructions betwixt his Majeſty and his People; for the effecting whereof, they have commanded mee to deſire your Lordſhips, that their proceedings againſt him

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may bee put into as speedy a way of dispatch, as the courses of Parliaments will allow.

First, that hee may bee called to answer, and they may have liberty to reply; that there may bee a quick and secret examination of witnesses, and they may from time to time bee acquainted with the depositions; that so when the cause shall bee ripe for Judgement, they may collect the severall Examinations, and represent to your Lordships in one entire Body the state of the Proofes, as now by mee they have presented to you the state of the Charge.

Mr. PYM his SPEECH, After the Articles of the Charge against Sr. GEORGE RATCLIFFE were read.

My LORDS,

BY hearing this Charge, your Lordships may perceive what neere conjunction there is betweene this Cause and the Earle of STRAFFORDS: the materials are (for the most part) the same in both: the offences of the Earle moving from an higher Orb, are more comprehensive, they extend both to *England* and *Ireland*; these (except in one particular of reducing of *England* by the *Irish* Army) are confined within one Kingdome; the Earle is charged as an Authour, Sir GEORGE RATCLIFFE as an Instrument and subordinate Actor.

The influences of superiour Planets are often augmented and inforced, but seldome mitigated by the concurrence of the inferiour, where merit doth arise not from well-doing, but from ill; the officiousnesse of ministers will rather adde to the malignity of their Instructions, then diminish it, that so they may more fully ingratiate themselves with those upon whom they depend.

In the crimes committed by the Earle there appears more haughtinesse and fiercenesse, being acted by his owne principles; those motions are ever strongest which are neerest the *Primum mobile*: But in those of Sir

Sir GEORGE RATCLIFFE there seemes to be more baseneſſe and ſervility, having reſigned and ſubjected himſelfe to bee acted by the corrupt will of onother.

The Earle of STRAFFORD hath not beene bred in the ſtudy and practice of the Law, and having ſtronger luſts and paſions to incite, and leſſe knowledge to reſtraine him, might more eaſily be tranſported from the Rule; Sir GEORGE RATCLIFFE in his naturall temper and diſpoſition more moderate, and by his education and profeſſion better acquainted with the grounds and directions of the Law, was carried into his offences by a more immediate Concurrence of will, and a more corrupt ſuppreſion of his owne Reaſon and Judgement.

My Lords, as both theſe have beene partners in offending; ſo it is the deſire of the Commons, they may bee put under ſuch tryall and examination, and other proceedings of juſtice as may bring them to partake in a deſerved puniſhment, for the ſafety and good of both Kingdomes.

Mr Speakers SPEECH,

At the presenting of these three Bills, viz.

An Act { For the shortning of *Michaelmas* Terme.
For the pressing of *Mariners* for the Kings Ships.
For the remainder of the six entire Subsidies.

May it please your most excellent Majesty,

THE great security of the Kingdome rests in the happy concurrence of the King and people in the unity of their hearts.

These joyned, safety and plenty attends the Scepter; but divided, distraction and confusion, as Bryers and Thorns, overspreads, and makes the Land barren.

No peace to the King,
No prosperity to the people.

The duties and affections of your subjects are most transparent, most cleare, in the cheerfull and most liberall contributions, given to knit fast this union with the bond of peace.

The treasures of the privie Purse, are but the supplies of Fancies, warranted by a common Interest; But the publick Tribute given by common assent, supports Royall Dignity, is sheltred under the wings of Prerogative, and by that power covered from the eyes, from the touch of deceivers.

In these wee render *Cæsar* what is due to *Cæsar*, and tribute to whom tribute belongeth.

The propet inscription of the Crown is born here, and censures those malignant spirits that dare whisper into the eares of sacred Majesty, that our selves onely, not your sacred person, not your Royall posterity, are the supreme objects of the givers.

The preservation of the publick union, the supply of your Armies, the distresses, miserable distresses of the Northern parts, the common calamities of the times begat the consideration of this Bill (the remainder of the six entire Subsidies happily presented to your sacred Majesty by this unworthy hand) the first vote advanced a credit to us to issue them for the use of your sacred Majesty.

The full perfection adds growth to that credit, and enables us to returne to your sacred Majesty, as to the Ocean, the Tribute due to Justice and Soveraignty.

These are the vast earnests of our desires, which take their rise from the due regard, from the safety of your Throne, of your posterity.

Your Royall assent stamps your image here, and makes this yours, and yours onely, which I (by the commands of the Commons) humbly beseech of your sacred Majesty.

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THE SPEECH OF Master Plydell, ESQUIRE.

Master Speaker,

I Have heard, since I had the honour to sit here, many grievances presented, and truly Sir, my heart bleeds within mee when I thinke of them, especially those that concerne Religion. But what should I speake of grievances concerning Religion, when Religion it selfe is become a grievance, nay the very Nurse and Mother of all grievances, all scandalls, all reproaches?

Tantum Religio potuit suadere malorum.

SIR,

Not to trouble you with any long discourse, if I have any sight, that Bark both of Church and State hath a long time floated betwixt *Scylla* and *Charibdis*, Popery on the one side, and I know not what to call it on the other; in many respects both alike dangerous, unlesse the Italian Proverb may alter the Case; *God defend me from my reputed friends, and I will defend my selfe from my profest enemies.*

Sir, Wee are intrusted by God, the King, and the Countrey, with the managing of this Bark, fraught with

with the fortunes of three great Kingdomes: Now, ſhould wee ſo decline the former Rock, that wee daſh on the other ſide, I humbly offer it to this Honourable Aſſembly, whether ſhee might not have juſt cauſe to ſay, ſhee had changed her Pilot rather then her condition, and onely ſhifted places to finde her ruine: For Sir, there is as much beyond Truth, as on this ſide it; and would wee ſteere a right courſe, wee muſt be ſure to keepe the channell, leſt wee fall from one extreme to another; from the dotage of Superſtition, to the frenzie of Profaneneſſe; from bowing to Idols, to worſhip the Calves of our owne imaginations.

Sir, I beſeech you conſider what libellous Pamphlets are now printed, what Sermons are preached, not building hay and ſtubble, but utterly ſubverting the foundations of Truth; what irreverence in Churches, what profanation of Gods Service, to the ſcandall of Chriſtianity, the reproach of Religion, and the intolerable griefe of all good men; of which I may take up the words of *Petrus de Aliaco* to the Councell of *Conſtance*, *Niſi celeriter fiat Reformatio, audeo dicere quòd licèt magna ſint quæ videmus, tamen in brevi inconparabilia majora videmus, & poſt iſta tam horrenda majora alia audiemus.*

Sir, I take God to record, I am no mans Advocate, no mans enemy, but a faithfull lover of truth and peace, and a dutifull Son of our diſtreſſed Mother, the Church of England; in whoſe behalfe, and our owne, my motion ſhall bee ſhortly this, That the Miniſters Petition, with ſo much of their Remonſtrance as hath been read, may be committed, and the reſt of it, concerning matter of Doctrine, may bee referred to ſome learned and approved Divines, who have ſpent their time in that noble ſtudy. For, give me leave to tell you, there is a *vulgus* among the Clergy, as among the Laity, *Et in utroque nil mediocre*; and for theſe and all things which ſtrike

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at the roote and branch, as they please to call it, I shall humbly move, that wee rather consider how to satisfie the Petitioners with some timely declaration from both Houses of the lawfulnesse and conveniency of Episcopall Government, derived from the Apostles, and so long established in this Kingdome, rather then to venture upon any alteration, the consequence whereof the wisest man cannot fore-see. And in truth, Sir, should we once begin (for my owne part) I know not how, or where wee should stay. Nevertheless, if any one doubt the superiority of Bishops over Priests and Deacons in Ecclesiasticall government, or in ordination, I shall be ready, whensoever this House shall command mee, to make it good, and I think, by as pregnant testimonies as wee are able to prove the difference betwixt Canonicall and Apocryphall Scripture, the necessity of Infants baptisme, or that the Apostles were the Authors of their owne Creed. But, Sir, I hope you will save your selfe and mee that labour, and rather devise of some set way to bind up the Churches wounds, which (God knowes) are too wide already, that so the Clergy and Laity being made friends, and all reduced to the modell of our Ancestors since the Reformation, we may altogether preserve the unity of the Spirit in the bond of peace; and so his Majesty having graciously and prudently expresst himselfe, I am the more confident wee shall not onely put an end to all mis-intelligence betwixt Prince and People, but also highly advance the Protestant cause, and give a deadly blow to the See of Rome.

Sir, I humbly crave the favour of the House, for God is my witnesse, *Non potui aliter libenter animum meum.*

Master

Sir THOMAS ROVVES REPORTS, To the COMMONS HOUSE of PARLIAMENT. 1640.

Master Speaker,

I Am to make a Report of what was delivered at the conference of a Committee of both Houses of Parliament upon Thursday last.

I hope, *Master Speaker*, so much upon the favour of this House that they will give mee leave to be a Reader; and that they will not expect from my age and weaknesse a particular repetition of the same words, a taske too great for my memory unpractised for many yeares in such exactnesse; neither am I able to represent without diminution, that life, and grace, that those relations received from so great abilities, desiring their Lordships pardon, and your acceptance of the substance and matter, wherein I hope I shall omit nothing substantiall; and if I could repeate every word, yet would it want as much lister as copies of ordinary hands, doe of the best originals.

My Lord Keeper did first let us know, that his Majesty had commanded the Lords Commissioners of the great Council, to give an account of their Treaties at Yorke and Rippon, to both Houses; and of his Majesties gracious intentions, in a businesse so much importing the honour and safety of the Kingdome, that there might be made a faithfull relation with all

candor and clearnesse, which was the summe of his Majesties instructions.

His Lordship declaring that my Lords of the upper House, for the saving of time, had thought fit, to give this account to a Committee of both Houses, which hath occasioned the meeting at this Conference; and election being made of the Earle of Bristoll by the Lords Commissioners, he began his Natration, directed to the Lords of the upper House, and to the Knights, Citizens and Burgesses of the house of Commons: and thus the Earle of Bristoll began;

That the Lords Commissioners intended not to looke further back into the businesse, then the Acts of their own imployments.

They did intend to give no account of the pacification interrupted, nor was renewed; no account how the Armies in England, Ireland, and by Sea were designed, nor of any occasion: They purposed not to lay fault upon any man, nor to enquire into the cause why the Scots (as they pretended from necessity) were drawne to enter the Kingdome, nor why the Kings Army, when service was to be done, was out of the way; But that those through whose hands these have passed, might hereafter give their own account.

His Lordship told us, that his Majesty was pleased to call his great Councell at Yorke, to whom he made two propositions.

The first was, how his Army, which seemed to be in distresse for want of pay, should be relieved and maintained.

To this, to shew their duty to the King, the Lords resolved to ingage themselves, and to that purpose to send chosen Deputies to London, to negotiate a supply.

The second proposition was, that after the Scots had passed Northumberland, taken Newcastle, and possessed the Bishopricke of Duresme, they sent a Peti-

tition to his Majesty, which containeth, in generall termes, a desire to have their grievances taken into consideration.

Which Petition and Answer thereunto was read unto us, and presented for our clearer understanding. A. N. A.

Upon receipt of his Majesties Answer, the Scotish Lords sent his Majesty a second Petition directed in a Letter to the Earle of Lanrick, in which they made their particular demands, and declared, that according to his Majesties command, they would advance no further; and this Petition was also read and delivered unto us, of which his Lordship desired that great Assembly to take especiall notice, for that much of the future discourse would depend upon it. K. Q.

The businesse thus stated at the great Councell, the second proposition was, what Answer should be made to that Petionary Letter, and in what manner it should be carried; In which his Majesty required their Councell.

Whereupon the Lords replyed, that it was impossible for them to give any well grounded advice, unlesse the true state of his affaires, and the Condition of his Army were laid before them.

Whereupon his Majesty commanded the Earle of Traquaire, to make the Narration of the Scotish businesse, and their late Acts of Parliament, and the Lord Lievtenant generall, to give an account in what condition the Army stood, and what was answered by my Lord Lievtenant, was read in his owne words. N. L.

Besides this declaration, the Earle of Bristoll delivered upon a further enquiry, how the state of the businesse then stood:

That the Scots Army had passed Northumberland without resistance; that they had disputed the passage

of the River of Tyne at Newburne, where our horſe retyred in diſorder; that his Majeſties foot Army conſiſting of twelve or fourteene thouſand men in Newcaſtle, likewiſe retired to Yorke, whereby the Towne of Newcaſtle, a place of great conſideration, was without one ſtroke ſtrucken, fallen into the Scots hands, and the Biſhopricke of Dureſme drawn under Contribution.

That in this ſtate, the Gentry of the Biſhopricke repayred to Maſter Treaſurer, who carryed them to his Majeſty, from whom they were referred to my Lord Lievtenant of the Army, who gave them this anſwer poſitively; That they could looke for no help nor protection from the King, and therefore they might uſe the beſt meanes they could to preſerve their lives and eſtates. Whereby thoſe diſtreſſed Provinces, the ancient Bulwarks of this Kingdome, full of brave and valiant men, being now fallen into the power of an Army, which of neceſsity muſt live, were forced to conſent to a contribution by Treaty, and a very heavy one, though ſuch without which the Scotiſh Army could not ſubſiſt.

The agreement was 350. *l.* a day for the Biſhopricke of Dureſme, 300. *l.* a day for Northumberland, 200. a day for the Towne of Newcaſtle, in all 850. *l.* a day; which, ſhould it continue, would amount unto 300000. *l.* for one yeare.

Theſe Gentlemen much lamented their eſtates that the Scots ſhould be irritated (as they call it) by being proclaimed Traytors.

His Lordſhip made a little digreſsion, and asked leave to ſpeake truth in ſuch language, as the Scots had preſented their ſtate unto them: That having proclamation made againſt them, being threatned with a great Army of thirty or forty thouſand men; another of ten thouſand out of Ireland, and by Parlia-

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ment declared Traytors and Rebels, and having heard of another Army providing, of eight or ten thousand by shipping to hinder their Trade, at least their Commerce with England, that they were drawne together by necessity, as they pretended, of defence; further alledging that it was a common discourse, of which they had seene papers, that they should bee reduced into a Province, which would be but one Summers worke; and therefore they having drawne their power together, as any Nation would doe, and being assembled, and their Country being poore, taking advantage of the time, and that all those Armies that should oppose them were out of the way, and those unfortunate Provinces left like a list of Cloath; they were forced to enter in England; that thus they had lamented, and thus the state stood before the Lords, when it was examined in the great Councell.

Thus their Lordships found, that the Scots had increased their confines neere fourescore miles in England, and had passed the Rivers of Tweed and Tyne, and that the River of Tees the boundary of Yorkeshire, (Duresme being possessed) was not to be defended, being foordable in many places by forty horse a front; that if the Scots should passe that River, there was no possibility to hinder them from comming to Yorke, or to any part of England, without hazarding a Battell, which my Lord Lieutenant had declared unto them he would not advise, for though the Kings Army consisted of seventeene of eighteene thousand good bodies of men; yet being untrained and unused to Armes, he would be loath to hazzard such an Adventure upon them; but if they should advance to Yorke, hee might make good that Citie: This being the case as it was presented, my Lords advised his Majesty that they conceived the fittest way

was, that the Scots and their grievances might bee heard.

And whereas their maine Complaint had beene, that their Petitions to his Majesty had beene conveyed by Conduits of an evill relish, that there might be chosen such Lords Commissioners, of whose integrity they could not doubt.

Whereupon, his Majesty was pleased to referre the choyce of the Commissioners to the great Councell, who made the election with the assent of his Majesty, to whom power was given, under the great seale of England, to heare whatsoever the Scots would lay before them; and to enter into Treatie with them, and to give safe conducts, and to do all things preparatory to a Treaty.

The Commissioners names N. B.

The first place of meeting was appointed at North-Allerton, but some inconveniences being found, it was by consent transferred to Rippon.

For the inducement of this meeting, a Letter of the Lord Lanricks to the Scots Commissioners was read and given unto us. N. B.

The Treaty thus settled, the Lords to be imployed receiving instructions from his Majesty, by the consent of the great Councell; it was agreed they should treat upon the whole businesse propounded by the Scots, and left to their discretion to treate of a Cessation of Arms, as the ordinary fore-runner of all Treaties of Peace.

When their Lordships came to Rippon, the Cessation of Armes was the first proposed, but being entered upon it, the Scots Commissioners did let their Lordships know, that there was something necessary first to be done, that the Countreys where they lay were become poore; that they could not thinke, as their affaires stood, of returning home; that his Majesty had restrayned them from passing further: so

that

that a Treaty in this Exigent was worse then a Warre, unlesse meanes might be thought upon how they might subsist; and hereupon they did propound, that if it were expected that they made no further progresse therein, obeying his Majesties command, which nothing but invincible necessity should force them to transgresse, by plundring the Countreys, they must have maintenance for their Army.

This motion seemed very strange to their Lordships, that it should be demanded to provide a maintenance for the Scots, when the Kings owne Army was in great distresse; yet the necessity seemed to be such on both sides, that the Lords appointed some of their Company to repaire to the King at Yorke, to acquaint his Majesty with the Scots demand.

Upon debate of the businesse, though it were of hard digestion to his Majesty, the Lords, and the whole Kingdome, that they, whose Ancestors had been called to advise upon the Ransome of Kings, should now come to consult how to maintaine an Army got into our owne bowels; Therefore, their Lordships would not proceed without the knowledge of his Majesty and the great Councell; where it was found necessary, not for maintaining the Scots Armies (for they might easily supply their owne wants by plundring, in which course they might get a million, whereas five thousand pounds would serve but for two moneths) but to preserve the Countreys from utter ruine, and the Scots from further advancing, to give to their Lordships Commission to treate for a competency of maintenance during the Treaty.

The first demand was forty thousand pounds a moneth, which by Treaty was reduced thus: That instead of giving them any allowance, they should bee left to their proportion of that contribution already agreed upon by the Counties; a lesse dishonourable

nourable then to assigne them maintenance.

N. D. E. This point being thus settled, their Lordships proceeded to the Treaty of Sessions, and both were agreed and concluded, his Lordship proposing the Articles themselves to bee read for more satisfaction.

His Lordship proceeded, that these preparatives being settled at Rippon, twenty miles from Yorke, and the time far spent, and the Parliament approaching, their Lordships resolved to bee humble suitors to his Majesty, that the generall Treaty might be transferred to London, by consent of both parties thereunto agreeing.

Here his Lordship proposed the reading of a Letter whereby this translation of the Treaty was moved, which was done and delivered unto us.

To this Letter his Majesty made a gracious answer, and consented to transferre the Treaty to London, where some of the Scots Commissioners are already arrived, and the rest within a day or two expected.

Their Lordships having proceeded in the Treaty as far as they could goe, repaired to Yorke, and both Articles concluded were read in his Majesties presence; and that they declared that they had in all things punctually observed their Instructions, whereupon his Majesty required them to give their counsell, whether he should ratifie and signe these Articles or not.

To which the Lords made answer, that they had served his Majesty in quality of Commissioners Ambassadours and had duly observed their Instructions: but now he being pleased to aske their advice, they would bee glad to serve him according to their consciences, and therefore besought his Majesty for leave to retire themselves, and consult of the businesse, to

which

which his Majesty was graciously pleased to consent.

Upon resolution, considering the great strait into which his Majesties affaires were reduced, they concluded to advise his Majesty to signe, and craved leave to present unto his Majesty a declaration of their reasons; which were accepted and read in the great Councell.

And their Lordships held it necessary to bee read againe in that great Assembly, as the rest of their Councell. *N. C.*

These reasons being read, his Majesty was pleased to ratifie the Articles in expresse words also read unto us.

His Lordship concluded this Narrative as the full account of the Treaty, and proceeding in it to his Majesties ratification; and craved leave in the next place, to present the hard and wofull condition in which his Majesties affaires then stood in the North: *N. D.*

First, that by consent a contribution of 850. *l.* a day was agreed.

That there was already some doubt that the Countries were not able to beare it.

On the other side, it was objected by the Scots, that it was impossible if the payment should faile, to keepe their promise, or to obey his Majesty; but that they should be necessitated against their will to plunder the Country.

These doubts considered, it was declared by my Lord Lievtenant, that the Counties of Cumberland and Westmerland being at pleasure under the Scots power, it was reasonable that *in subsidium* they should contribute some helpe to their Neighbours: But hee declared since their Lordships coming away, the Commissioners left at Dureme had written, that it

was impossible for them to proceed in the agreement; which if it were broken on their part, the Scots would alledge an impossibility to consent to starve: so that if some meanes were not found, by which those Counties engaged might bee relieved, hee was affraid all their labour and Treaty would come to nothing: and this letter was read and presented unto us.

N. H. His Lordship represented, that the Commissioners and all the Lords had engaged themselves faithfully and truly to declare to the Parliament the distresse of the Counties.

Hee declared that it was far from their Lordships purpose to move any supply of money from the House of Commons, but to lay the cause before them, and to leave it to their wisedome; averring certainly that if some course were not taken, the whole kingdome would be put into disorder; Armies would not starve, retiring was not yet as hee thought in the thoughts of the Scots: Therefore they must plunder and destroy, or advance into Yorkeshire, and so into England to seeke subsistence; the prevention whereof did highly import the King and kingdome.

His Lordship proposed another, no lesse worthy of consideration to the whole kingdome: But if the Scots Army were provided of a competency for the ease of those Counties, it were very strange there should not an equall care be had for mainteining the Kings Army that stands before them. He said the Scots Army was strong and powerfull, and little other resistance against it, but the impediments of an Army marching in winter: But whether it were fit for a kingdome to bee trusted to accidents of Frosts, with a people bred in Swedland

and

and cold Countreys; hee left to their discretion.

His Lordship confessed, that the Scots had made great protestations, and with great execrations averred, that they had no intent to advance forward, but returne when they shall have received satisfaction.

Yet their Lordships did not conceive that the kingdome should relye upon promises or protestations.

Many accidents might happen when a Nation, come from a farre Countrey to a better, should bee told the businesse they come about was just and their quarrell good; who finding themselves in a fat pasture, may pick quarrells which their Leaders, if they should goe about to prevent them of the reward of their vertue and valour.

Upon these grounds his Lordship presented to the generall consideration the supply of his Majesties Army, that it bee not disbanded; which if it should come to passe, Yorkeshire and other parts of England were left to the Scots discretion.

His Lordship said, Hee durst not say the Scots would not come forward, but that it was in their power if they would; and therefore hee recommended this representation to the whole body of the kingdome, to prevent furture dangers.

Hee concluded with a prayer to Almighty God, to direct the hearts of all the kingdome, and to give a blessing onely able to remove the great distractions, so many and so grievous, as under which, since the Conqueſt, this kingdome never laboured.

There were presented unto mee two papers more, the one being Instructions from Newcastle to Sir *Thomas Hope* and others, concerning the contribution; the other an account of Arreers from the eleventh of September to the twentieth of November, which were all read unto us; nor doe I know how or to what use to imploy them.

Master

Mr. RIGBYES SPEECH, In answer to the LORD KEEPERS last SPEECH, 1640.

Master SPEAKER,

THough my Judgement prompts mee to sit still and be silent, yet the duty I owe to my King, my Countrey and my Conscience, moves me to stand up and speake.

Master Speaker, had not this Syren so sweet a tongue, surely hee could never have effected so much mischiefe to this kingdome: you know Sir, *optimorum putrefacta pessima*, the best things putrefied become the worst: and as it is in the naturall, so in the body politick; and whats to be done then *Master Speaker*, wee all know, *ense recidendum est*, the sword, Justice must strike, *ne pars sincera trahatur*.

Master Speaker, it is not the voice, *non vox sed votum*, not the tongue, but the heart and actions that are to be suspected: for doth not our Saviour say it, *Shew mee thy faith by thy workes, O Man*? Now, *Master Speaker*, hath not this kingdome seene, (seene say I?) nay felt and smarted under the cruelty of this mans Justice? so malicious as to record it in every Court of Westminster; as if hee had not beene contented with the enslaving of us all, unlesse hee entailed it to all

posterity. Why, shall I beleeve words now, *cum factum videam*? Shall we be so weake men, as when wee have beene injured and abused, will be gained againe with faire words and complements? Or, like little children, when we have beene whipt and beaten, bee pleased againe with sweet meats? Oh no: there be some birds in the Summer of Parliament will sing sweetly, who in the Winter of Persecution will for their prey ravenously fly at all, upon our goods, nay seize upon our persons; and hath it not beene with this man so, with some in this assembly?

Master Speaker, it hath beene objected unto us, that in Judgement wee should thinke of mercy, and *Bee yee mercifull as your heavenly Father is mercifull*; now God almighty grant that we may be so, and that our hearts and Judgements may be truly rectified to know truly what is mercy, I say to know what is mercy; for there is the point *Master Speaker*: I have heard of foolish pitty, foolish pitty: doe we not all know the effects of it? and I have met with this Epithete to mercy, *Crudelis misericordia*; and in some kind I thinke there may be a cruell mercy: I am sure that the spirit of God said, Be not pitifull in Judgement, nay it saith, Bee not pitifull of the poore in Judgement; if not of the poore, then a *Latiori*, not of the rich; there's the Emphasis. We see by the sett and solemne appointments of our Courts of Justice, what provision the wisedome of our Ancestors hath made for the preservation, honour and esteeme of Justice, witnesse our frequent Termes, Sessions and Assises, and in what pompe and state the Judges in their Circuits, by the Sheriffes, Knights, and Justices, and all the Countrey, are attended oft-times for the hanging of a poore thiefe for the stealing of a hog or a sheep, nay in some Cases for the stealing of a penny, and Justice too, *in terrorem*; and now shall not some of them be hanged

that

that have rob'd us of all our propriety, and sheered at once all our sheepe and all we have away, and would have made us all indeed poore *Bellizaraffes* to have begged for halfe-pennies, when they would not have left us one penny that wee could have called our owne?

Let us therefore now, *Master Speaker*, not be so pitifull as that wee become remisse; not so pitifull in Judgement, as to have no Judgement; but set the deplorable estate of Great Britain now before our eyes, and consider how our most gracious Soveraigne hath beene abused, and both his Majesty and all his Subjects injured by these wicked Instruments; for which my humble motion is, that with these particulars wee become not so mercifull, as to the generality (the whole kingdome) wee grow mercilesse.

Fiat Justitia.

Master

Mr. VVALERS Speech, In the House of Commons, 1640.

Master Speaker,

I Will use no preface, as they use to doe who appeare men for some thing to which they would perswade and move their affections: I will onely propose what I conceive fit for the House to consider, and shall be no more concerned in the event then they that shall heare mee.

Two things I observe in his Majesties demands:

First, the supply,

Secondly, our speedy dispatch thereof.

Touching the first, his Majesties occasions for mony are but too evident; for to say nothing how wee are neglected abroad, or distracted at home, the calling of this Parliament and our sitting here (an effect which no light cause could in these times have produced) is enough to make any reasonable man beleeve that the Exchequer abounds not so much in money, as the State in occasions to use it; and I hope we shall all appeare willing to disprove those who have thought to dissuade his Majesty from this way of Parliament, as doubting and uncertaine, and to let him see that it is as ready and more safe for the advancement of his affaires, then any new or pretended old way whatsoever.

Now

Now (*Master Speaker*) for the speedy dispatch required, which was the second thing, not onely his Majestie but *Res ipsa loquitur*; the occasion seemes to importune no lesse: necessity is come upon us like an armed man, and yet the use of Parliaments heretofore, (which appeare by the writs that call us hither) was to advise with his Majesty of things concerning the Church and common-wealth.

And, *Master Speaker*, it hath ever been the custome of Parliaments, by good and wholesome lawes to refresh the Common-wealth in generall, yea and to descend into the remedies of particular grievances, before any mention made of supply. Looke backe upon the best Parliaments, and still you shall finde that the last Acts are the free gift of the Subsidies on the peoples part, and generall pardons on the Kings part; even the wisest Kings have acquainted their Parliaments with their designes, and the reasons thereof, and then demanded the assistance both of their counsell and their purses: But (*Master Speaker*) Physicians (though they be called of the latest) must not stomach it, or talke what might have beene, but apply themselves roundly to the cure; let us not stand too nicely upon circumstances, nor too rigidly postpose the matter of supply, to the healing of our lighter wounds. Let us doe what possibly may be done with reason and honesty on our parts to comply with his Majesties desires, and to prevent the imminent ills which threaten us: but consider (*Master Speaker*) that they that thinke themselves undone can never apprehend themselves in danger, and they that have nothing left can never give freely, nor shall we ever discharge the trust of those that sent us hither, or make them beleeve that they contribute to their owne defence and safety, unlesse his Majesty be pleased, first to restore them to the propriety of their goods and lawfull liber-

ties, whereof they esteeme themselves now out of possession. One need not tell you that the propriety of goods is the mother of courage, and nurse of industry, makes us all valiant in war, and good husbands in peace: the experience I heare of former Parliaments, and my present observation of the care the Countrey hath had to choose persons of worth and courage, makes mee thinke this House like the Spartans, whose forward valour required some softer musicke to allay and quiet their spirits, too much moved with the sound of martiall Instruments. 'Tis not the feare of imprisonment, or, if need be, of death it selfe that can keepe a true hearted English-man from the care to leave this part of his inheritance as intire to posterity as hee received it from his Ancestors.

This therefore let us first doe, (and the more speedily,) that we may come to the matter of supply; let us give new force to the many lawes which have beene heretofore made for the mainteining of our rights and priviledges, and to restore this Nation to the fundamentall and vitall liberties, the propriety of our goods, and freedome of our persons; no way doubting but we shall find his Majesty as gracious and ready, as any of his Royall progenitors have beene, to grant our just desires therein: for, not onely the people doe thinke, but the wisest doe know, that what wee have suffered, wee have suffered from his Ministers. That the person of no King was ever better beloved of his people, and that no people were ever more unsatisfied with the wayes of levying moneys, are two truths which may serve one to demonstrate the other; for such is their accession to the present courses, that neither the admiration they have of his Majesties native inclination to Justice and Clemency, nor the pretended consent of the Judges, could make them

willingly

willingly ſubmit themſelves to this late tax; and ſuch is their naturall loves, and juſt eſteeme of his Majeſties goodneſſe, that no late preſſure could provoke them, nor any example invite them to diſloyalty or diſobedience. But what is it then hath bred this miſunderſtanding betwixt the King and his people? How is it that having ſo good a King, wee have ſo much to complaine of? Why (*Maſter Speaker*) wee are told of the ſonne of *Solomon* that hee was a Prince of a tender heart, and yet we ſee, by the advice of violent counſels, how rough an anſwer he gave to his people. That his finger ſhould bee as heavy as his fathers loynes, was not his owne, but the voyce of ſome perſons about him, that wanted the gravity of moderation requiſite for the Counſellors of a young King. I love not to preſſe Allegories too far; but the reſemblance of *Jobs* ſtory with ours holds ſo well that I cannot but obſerve it to you. It pleaſed God to give his Enemy leave to afflict him more then once or twice, and to take all hee had from him, and yet he was not provoked to rebell ſo much as with his tongue, (although hee had no very good example of one that lay very neere him,) and felt not halfe that which he ſuffered. I hope his Majeſty will imitate God in the benigner part too, and as he was ſevere to *Job* onely while hee diſcourſed with another concerning him, but when hee vouchſafed to ſpeake himſelfe unto him, began to rebuke thoſe who had miſtaken and miſ-judged his Caſe, and to reſtore the patient man to his former proſperity: ſo now, that his Majeſty hath admitted us to his preſence, and ſpoken face to face with us, I doubt not but wee ſhall ſee fairer dayes, and be as rich in the poſſeſſion of our owne as ever wee were. I wonder at thoſe that ſeeme to doubt the ſucceſſe of this Parliament, or that the miſunderſtanding betwixt the King and his People ſhould laſt any longer, now

they have ſo happily met. His Majeſties wants are not ſo great, but that we may find meanes to ſupply him; nor our deſires ſo unreaſonable, or ſo incompetible with government, but that his Majeſty may well ſatisfie them. For our late experience (I hope) will teach us what rocks to ſhunne, and how neceſſary the uſe of moderation is: And for his Majeſty, he hath had experience enough how that proſpers which is gotten without the concurrent good will of his people: never more money taken from the Subject, never more want in the Exchequer. If we looke upon what we have payd, it is more then ever the people of England did in ſuch a time; if we looke upon what hath beene effected therewith, it ſhewes as if never King had beene worſe ſupplyed; ſo that we ſeeme to have acted *Belids* part, whoſe puniſhment was to endevour the filling of a Sive with water. Whoſoever gave advice for theſe courſes, hath made good the ſaying of the wiſe man, *Qui conturbat domum ſuam poſſidebit ventum.* By new wayes they think to accompliſh wonders, but in truth they graſpe the winde, and are in the meane time *ſævus ambobus Achilles*, cruell to us, and to the King too: for if the Common-wealth flouriſh, then hee that hath the Soveraignty can never want nor doe amiſſe, ſo as hee governe not according to the intereſt of others, but goe the ſhorteſt and the ſafeſt wayes to his owne and the common good, with regard how they ſtand in order to any private mans deſires, or a preſervation. The Kings of this Nation have alwayes governed by Parliaments: And if wee looke upon the ſucceſſe of things ſince Parliaments were layd by, it reſembles that of the Grecians, *Ex illo fluere & retro ſublapſa referri Res Danaum*, eſpecially on the Subjects parts; for though the King hath gotten little, they have loſt all: but his Majeſty ſhall heare the truth from us, and wee ſhall

make

make to appeare the errors of Divines, who would perſwade us that a Monarch can be abſolute, and that he may doe all things, *ad libitum*, receding not onely from their text, (though that be a wandring too) but from the way which their owne profeſsion would teach them, *Stare ſuper vias antiquas*, and remove not the ancient bounds and land-markes which our Fathers have ſet. If to be abſolute were to be reſtrained by no lawes, then can no King in Chriſtendome be ſo, for they all ſtand obliged to the Lawes Chriſtian, and we aske no more: For to this Pillar are our priviledges fixt, our Kings at their Coronation taking a ſacred oath not to infringe them. I am ſorry theſe men take not more care of informing our faith of thoſe things which they tell us for our ſoules health, whiles we know them ſo manifeſtly in the wrong, in that which concerns the liberties & priviledges of the Subjects of England: But they gaine preferment, and then 'tis no matter, though they never beleeve themſelves nor are beleeved of others. But ſince they are ſo ready to let looſe the Conſcience of our Kings, we are the more carefully to provide for our protection againſt this Pulpit-Law, by declaring and re-inforcing the Municipall Lawes of this kingdome. It is worth the obſerving how new this opinion is, or rather this way of riſing, even amongſt themſelves. For, Maſter *Hooker*, who ſure was no refractory man (as they terme it) thinkes that the firſt Government was arbitrary, untill it was found, that to live by one mans will became the cauſe of all mens miſeries; (theſe are his words;) and that this was the originall of inventing Lawes. And (*Maiſter Speaker*) if we looke further backe, our Hiſtories will tell us that the Prelates of this kingdome have often beene the mediators betweene the King and his Subjects, to preſent and pray redreſſe of their grievances, and had reciprocally

then as much love and reverence from the People: but these Preachers, more active then their Predecessors, and wiser then the Lawes, have found out a better forme of Government; the King must bee more absolute Monarch then any of his Predecessors, and to them hee must owe it, though in the meane time they hazzard the hearts of his people, and involve him into a thousand difficulties. For, suppose this forme of Government were inconvenient, and yet (*Master Speaker*) this is but a supposition, for these five hundred yeares it hath not onely mainteined us in safety, but made us victorious over other Nations; but (I say) suppose they have another Idea of one more convenient, wee all know how dangerous Innovations are, and what hazzard those Princes runne, that enterprise the change of a long established Government. Now (*Master Speaker*) of all our Kings that have gone before, and of all that are to succeed in this happy race, why should so pious and so good a King bee exposed to this trouble and hazzard? besides that, Kings so diverted can never doe any great matter abroad. But (*Master Speaker*) whiles these men have thus bent their wits against the Lawes of their Countrey, whether they have neglected their owne Province, and what Tares are growne up in the field which they should have tilled, I leave it to a second consideration; not but that Religion ought to bee the first thing in our purposes and desires, but that which is first in dignity is not alwayes to precede in order of time; for, well-being supposes a being, and the first impediment which men naturally indevour to remove, is the want of those things without which they cannot subsist. God first assigned unto *Adam* maintenance of life, and gave him a title to the rest of the Creatures before he appointed a Law to observe. And let me tell you (if our adversaries have any such

 designe)

deſigne) as there is nothing more eaſie then to impoſe Religion on a People deprived of their Liberties, ſo there is nothing more hard then to doe the ſame upon Freemen. And therefore (*Maſter Speaker*) I conclude with this motion, that an order may bee preſently made, that the firſt thing this Houſe will conſider of, ſhall be the reſtoring this Nation in generall to the fundamentall and vitall Liberties, the propriety of our goods, and freedome of our Perſons: and that then wee will forthwith conſider of the ſupply deſired; and thus wee ſhall diſcharge the truſt repoſed in us by thoſe that ſent us hither, his Majeſty will ſee that wee make more then ordinary haſte to ſatisfie his demands, and wee ſhall let all thoſe know that ſeeke to haſten the matter of ſupply, that they will ſo far delay it, as they give interruption to the former.

A Speech

A Speech made by the Honourable DENZELL HOLLES, Esquire, at a Conference by a Committee of both Houses of Parliament in the painted Chamber, *May* 4. 1641. in the presenting of the Protestation.

My Lords,

THe Knights, Citizens and Burgesses of the House of Commons, having taken into their serious consideration the present estate and condition of this Kingdome, they find it surrounded with variety of pernitious and destructive designes, practices, and plots against the well-being of it, nay, the very being of it, and some of these designes hatched within our owne bowels, and, viper-like, working our destruction.

They finde Jesuites and Priests conspiring with ill Ministers of State to destroy our Religion: they find ill Ministers conjoyned together to subvert our Lawes and Liberties.

They find obstructions of Justice, which is the life bloud of every State, and (having a free passage from the Soveraigne Power, where it is primarily

marily seated, as the life bloud in the heart, and thence derived through the severall Judicatories, as through so many veines, into all the parts of this great collective Body) doth give warmth and motion to every part and member, which is nourished and enlivened by it: but being once precluded, stopped, and seared up, as the particular must of necessity faint and languish, so must the whole frame of Government bee dissolved: and consequently Soveraignty it selfe, which as the heart in the body, is *Primum vivens, & ultimum moriens*, must dye and perish in the generall dissolution, and all things returne, as in the beginning, *in antiquum Chaos*.

They find the propriety of the subject invaded and violated, his estate rent from him by illegall Taxations, Impositions, Monopolies and Projects (almost upon every thing which is for the use of man) not onely upon superfluities, but necessaries; and this to enrich the vermine and caterpillers of the Land, and to impoverish the good subjects, to take the meate from the children, and give it to dogges.

My Lords, If we find these things so, wee must conceive, they must bee ill counsels which have brought us into this condition. These counsels have put all into a combustion, have discouraged the hearts of all true English men, and have brought two Armies into our bowels, which (as the Vulture upon *Prometheus*) eate through our sides, and gnaw our very hearts.

Hinc dolor : sed unde medicina?

Heretofore Parliaments were the *Catholicon*, the Balme of Gilead which healed our wounds, restored our Spirits, and made up all the breaches of the Land; But of late yeeres they have beene like the Fig-tree in the Gospel, without efficacy, without fruit, onely destructive to the particular members, who discharge their duties and consciences, no way beneficiall to the Commonwealth; *Nobis exitiabile, nec Reipub. profuturum*, as he said in *Tacitus*, commonly taken away, as *Eliae* was, with a whirle-winde, never coming to any maturity, or to their naturall end; whereas they should bee like that blessed old man, who dyeth (*plenus dierum*) in a full age, after hee hath fought a good fight, and overcome all his enemies; as the shock of wheat which cometh in in due season, to fill our Granaries with Corne, uphold our lives with the staffe of bread.

For, Parliaments are our *panis quotidianus*, our true bread; all other wayes are but *Quelques choses*; which yeeld no true nourishment, breede no good bloud.

This very Parliament which hath sate so long, hath all this while but beaten the ayre, and striven against the streame; for I may truely say, winde and tide have still been against us.

The same ill counsels which first raised the storme, which almost shipwracht the Commonwealth, do still continue, they blow strong like the East-wind that brought the Locusts over the land.

These

These counsels crosse our designes, cast difficulties in our way, hinder our proceedings, and make all that we doe to be fruitlesse and ineffectuall, they make us to bee not masters of our businesse, and so not masters of money, which hath been the great businesse of this Parliament, that we might pay the Armies according to our promises and engagements.

For, (My Lords) our not effecting of the good things which wee had undertaken for the good of the Church and Common-wealth, hath wounded our reputation, and taken off from our credit.

Is it not time then (my Lords) that wee should unite and concentrate our selves in regard of this *Antiperistasis*, and *circumvallation* of hurtfull and malitious intentions and practices against us? (My Lords) it is most agreeable to nature, and I am sure, most agreeable to reason, in respect of the present conjuncture of our affaires: for one maine engine by which our enemies work our mischiefe, is by infusing an opinion and belief into the world, that wee are not united amongst our selves, but that, like *Sampsons* Foxes, we draw severall waies, and tend to severall ends.

To defeate then the counsels of these *Achitophels*, which would involve us, our Religion, our King, our Lawes, our Liberties, all that can bee deere and deare unto an honest soule, in one universall and generall defolation, to defeate (I say) the counsels of such *Achitophels*, the Knights, Citizens, and Burgesses of the House of Commons

knowing themselves to bee specially intrusted with the preservation of the whole, and in their consciences perswaded that the dangers are so imminent that they will admit of no delay) have thought fit to declare their united affections, by entring into an Association amongst themselves, and by making a solemne Protestation and Vow unto their God, that they will unanimously endevour to oppose and prevent the counsels, and the Counsellors which have brought upon us all these miseries, and feares of greater; to prevent the ends, and bring the Authors of them to condign punishment, and thereby discharge themselves both before God and man.

The Protestation your Lordships shall have read unto you, together with the grounds and reasons which have induced the House of Commons to make it, which are prefixed before it by way of Preamble.

The PREAMBLE.

WEe the Knights, Citizens, and Burgesses of the Commons house in Parliament, finding, to the great griefe of our hearts, that the designes of the Priests and Jesuites, and other Adherents to the See of *Rome*, have of late beene more boldly and frequently put in practice then formerly, to the undermining and danger of the ruine of the true reformed Protestant Religion in His

Majesties Dominions established: And finding also that there have beene, and having just cause to suspect that there still are, even during this sitting in Parliament, indeavours to subvert the fundamentall Lawes of England and Ireland, and to introduce the exercise of an Arbitrary and Tyrannicall Government, by most pernicious and wicked Counsels, Practices, Plots, and Conspiracies: And that the long intermission and unhappy breach of Parliaments hath occasioned many illegall Taxations, whereupon the Subject hath been prosecuted and grieved: And that divers Innovations and Superstitions have beene brought into the Church, multitudes driven out of His Majesties Dominions, Jealousies raised and fomented betwixt the King and His people, a Popish Army levied in Ireland, and two Armies brought into the bowels of this Kingdome, to the hazzard of His Majesties Royall Person, the consumption of the Revenues of the Crowne, and Treasure of this Kingdome: And lastly, finding great cause of Jealousie, that indeavours have been, and are used to bring the English Army into a misunderstanding of this Parliament, thereby to incline that Army, with force to bring to passe those wicked Counsels; Have therefore thought good to joyne our selves in a Declaration of our united affections and resolutions.

NOte, That because some doubts were raised by severall persons out of the Commons House, concerning the meaning of these words contained in the Protestation lately made by the Members of that House, *viz. The true Reformed Protestant Religion, expressed in the Doctrine of the Church of England against all Popery and Popish Innovations within this Realme contrary to the same Doctrine*, The House of Commons did declare, That by those words, was and is meant only the publick Doctrine professed in the said Church, so farre as it is opposite to Popery and Popish Innovations; And that the said words are not to be extended to the maintaining of any forme of Worship, Discipline, or Government, nor of any Rites or Ceremonies of the Church of England.

MY Lords, The House of Commons have commanded me to present unto your Lordships this Protestation. Every member in that House hath made it, not one refusing it, and they have sent it unto your Lordships, with an assurance of your Lordships concurrence in the same zeale and affection for the publick safety. And it is their desire your Lordships would likewise make the same Protestation, which I humbly leave to your Lordships wisdomes.

Directions

Directions for more orderly making of the foreſaid Proteſtation.

IT is thought fit that the Proteſtation which the Parliament lately made be taken by the Citie of London, in the ſeverall Pariſh Churches, in the afternoon of ſome Lords day, after Sermon, before the Congregation bee diſſolved, by all Maſters of Families, their ſons, and men-ſervants, in manner and forme following, *viz.*

Firſt, That forthwith notice of this intention bee given to the Miniſter, Church-wardens, and ſome other mee perſons of each Pariſh in *London*, Liberties, and adjacent Pariſhes, and ſome of them to give notice to the reſt of the Pariſhioners.

Secondly, That the Miniſter be entreated if he pleaſe to acquaint his Pariſh in his Sermon, either forenoon or afternoon, with the nature of the buſineſſe, more or leſſe, as hee ſhall think fit, for the better and more ſolemne taking of the ſaid Proteſtation, or if the Miniſter refuſe it, that ſome other bee intreated to preach that will promote the buſineſſe; or if neither of theſe may bee had, that ſome other convenient courſe bee taken by ſome well affected to the buſineſſe, to ſtay the Pariſh, and communicate the matter to them.

Thirdly, That the Miniſter or Miniſters of every

ry Congregation first take it in his or their owne person, reading the said Protestation in so distinct a voyce, that all present may conveniently hear it, and that all the Assembly present doe make the same Protestation distinctly after this manner, every man taking this Protestation into his hand.

I A.B. *doe in the presence of Almighty God freely and heartily promise, vow, and protest the same which the leading person took, naming the person.*

Fourthly, That there be a Register Book wherein every man taking this vow or Protestation subscribe his name, with his owne hand or mark, and that the names bee taken of such as doe refuse the same.

Fifthly, That all the Parishioners abovesaid, whether in Towne, or out of Towne, be earnestly requested to bee present at their owne Parish Church in the afternoon of that Lords day whereon it shall be taken, that every man may take it in their owne place; and if any bee necessarily absent, that they may bee desired to take it the next Lords day after, or so soon as may bee with conveniency.

Sixthly, and lastly, That all whom it doth not immediately concerne, bee earnestly requested to depart.

FINIS.

Mr. *Grimstons* Speech in the High Court of Parliament.

M. *SPEAKER.*

THese Petitions which have beene now read, they are all Remonstrances of the generall and universall grievances & distempers that are now in the State and Government of the Church and Commonwealth: and they are not them alone, But his Majesties gracious Expressions the first day of Parliament, that calls me up to speak at this present, contrary to my owne Intentions.

Mr. *Speaker*, his Majestie, who is the head of the body politique, and the Father of the Common-wealth, hath complained first, declaring his sensibleness of our sufferings, and amongst other things, hath put us in mind of our grievances, and hath freely left it to our selves (for our redresse and repaire therein) to begin and end, as we shall think fit. And this drawes mee on with much cheerefulnesse and zeale to contribute my poore endeavours to so great a work.

And Mr. *Speaker*, I conceive it will not be altogether impertinent for your direction and guidance in that great place, which by the favour of his Majestie, and this House you now possesse, a little to recollect our selves in the remembrance of what was done the last Parliament, and where we ended.

It will likewise be very considerable what hath bin done since that Parliament, and who they are that have beene the Authors and Causers of all our miseries and distractions, both before and sithence.

Mr. *Speaker*, the last Parliament, as soone as the House was setled, a Subsidiarie ayd and supply was propounded, and

many Arguments used to give the precedencie before all other matters and Considerations whatsoever.

On the other side, a multitude of Complaints and Grievances of all sorts, aswell concerning our Eternall as our Temporall estates were presented and put in the other ballance: The wisedome of that great Councell waighing both indifferently, and looking not onely upon the dangers then threatned from *Scotland* (which are now upon us) but likewise taking into their consideration the Condition and Constitution of the present government here at home, concluded that they were in no capacity to give, unlesse their grievances were first redressed and removed.

For Mr. *Speaker*, it then was, and still is, most manifest and apparent, that by some judgements lately obtained in Court of Justice, and by some new wayes of Government lately started up amongst us; the Law of property is so much shaken, that no man can say he is Master of any thing: But all that we have, wee hold as Tenants by courtesie, and at will, and may be stripped of it at pleasure.

Yet Mr. *Speaker*, desirous to give his Majestie all possible satisfaction and contentment, as well in the manner of supply for expedition, as in the substance and matter of it, wee confined and limitted our selves but to three particulars onely, and to such matters as properly and naturally should have reference and relation to those three heads.

1. *The first was the priviledges of Parliament.*
2. *The second matters of Religion.*
3. *The third, the propriety of our goods and Estates.*

And we began with the first, as the great Ark, in which the other two, Religion and property are included and preserved.

Mr. *Speaker*, the violations complained of the last Parliament, touching our priviledges, were of two sorts; either such as had beene done in Parliament or out of Parliament.

Concerning the violations of the first sort, it was resolved by

by vote; that the *Speaker* refusing to put a question, being thereunto required by the House,

Or to adjourne the House upon any command whatsoever, without the consent and approbation of the House it selfe, were breaches and violations that highly impeached our priviledges.

And having passed the vote, I conceive it were fit wee should now proceed a little further, and consider of a way how to be repaired against them that have beene the violaters: For Execution does *animare Legem*. The putting of an old Law in Execution, you know Mr. *Speaker*, does oftentimes doe more good then the making of a new one.

As concerning the violations of the other sort, done out of Parliament in Courts of Justice, and at the Councell board, where neither our persons nor our proceeding ought to have beene controlled or medled withall; And as concerning matters of Religion, and the property of our goods and estates, there were divers things then likewise agreed upon by vote, whereupon a conference was desired to have beene with the Lords: But what interjections and rubs wee met withall by the way, and how the Lords countervoted the precedency of our grievances, and how our Speaker was taken away from amongst us, and what an unhappy conclusion we had at the last, the remembrance of it were a subject too sad to begin another Parliament withall.

Therefore Mr. *Speaker*, I shall passe from what was done the last Parliament, and come to what hath beene done since that Parliament ended.

M. *Speaker*, there are some worthy Gentlemen now of this House that were members of the last Parliament, that carried themselves in the matters and businesses then and there agitated and debated, with great Wisedome, and unexampled

moderation. But what had they at last for all their paines, in attending the publique strince of the Common-wealth, As soone as ever the Parliament was ended, their Studies and Pockets were searched, as if they had beene Fellons and Traytors, and they committed to severall Goales, with an intention I am confident of their utter ruine and destruction, had they not foreseene a danger approaching: For Master *Speaker*, if I be truly informed, an information was drawne, or at least, directions given for the drawing of it, against them in the Starre Chamber.

Master *Speaker*, there hath beene since the last Parliament a Synod, and in that Synod a new Oath hath beene made and framed, and enjoyned to be taken.

Master *Speaker*, they might as wel have made a new Law, and enjoyned the execution of that, as enjoyned and urged the taking of the other, not being established by Act of Parliament, and in point of mischiefe, the safety of the Common-wealth, and the freedome and liberties of the Subject are more concerned in the doing of the one, then if they had done the other.

The next exception I shall take to it, is to the matter contained in the Oath it selfe.

Master *Speaker*, they would have us at the very first dash sweare in a damnable Heresie, that matters necessary to salvation are contained in the Discipline of our Church.

Whereas Master *Speaker*, it hath ever beene the tenet of our Church, that all things necessary to salvation are comprehended and contained in the Doctrine of our Church only; And that hath alwayes beene used as an Argument untill this very present, against *Antidisciplinarians*, to stop their mouthes withall: And therefore that for that reason they might with the lesse regret and offence, conforme and sub-

mit themselves to the Discipline of our Church.

And Master *Speaker*, for prevention in ease the Wisedome of the State in this great Councell, should at any time think fit to alter any thing in the government of our Church, they would anticipate and fore-stall our judgements, by making us sweare before-hand, that wee would never give our consent to any alteration.

Nay Master *Speaker*, they goe a little further, for they would have us sweare, that the government of the Church by Archbishops, Bishops, Deanes, Archdeacons, &c. is *Jure divino*, Their words are, *as of right it ought to stand*; Whereas Master *Speaker*, wee meet not with the name of an Archbishop, or a Deane, or an Arch-deacon in all the new Testament. And whatsoever may bee said of the Function of Bishops it is one thing: But for their Jurisdiction it is meerely *Humana institutione*, and they must thank the King for it.

As for their grosse, absurd, &c. wherein they would have men sweare they know neither what, nor how many fathome deepe: There is neither Divinity nor charity in it, and yet they would put that upon us.

Master *Speaker*, what they meant and intended by this new Oath, and their Booke of Canons, and their Booke of Articles, which they would have our Church-wardens sworne unto, to enquire of, and to present thereupon, I must confesse I know not, unlesse they had a purpose therein to blow up the Protestant Religion, and all the faithfull professors of it, and to advance their Hierarchie a step higher, which I suppose we all feare is high enough already.

Master *Speaker*, they have likewise in this Synod granted a benevolence, but the nature of the things agrees not with the name, for in plaine English it is six Subsidies to be paid

by the Clergie in six yeares: And the penalty they have imposed upon the refusers, for none-payment, is to be deprived of their Functions, to be stripped of their free-hold, and to be excommunicated, and this Act of their Synod is not published amongst their Canons, for which they might have some colourable seeming authority: But it comes out, in a Booke alone by it selfe in the Latine tongue, supposing as I conceiue that Lay-men are as ignorant as they would have them; And thus they think they dance in a Net.

And as in this, so in most of their new Canons if they bee throughly considered, any judicious man may easily discerne and perceive, that they doe therein like *Water-men* that looke one way and rowe another, they pretend one thing, but intend nothing lesse; And certainly Mr. *Speaker* in this they have flowne a high pitch; For a Synod called together upon pretence of reconciling and setling Controversies and matters in Religion, to take upon them the boldnesse thus out of Parliament, to grant Subsidies, and to meddle with mens Free-holds, I dare say the like was never heard of before, and they that durst doe this, will doe worse if the current of their raging Tyrannie be not stopped in time.

Who are they (Master *Speaker*) that have countenanced and cherished Popery and Armianisme to that growth and heigth it is now come to, in this Kingdome?

Who are they (Master *Speaker*) that have given encouragement to those that have boldly preached those damnable Heresies in our Pulpits?

Who are they (Master *Speaker*) that have given authoritty, and licence to them that have published those Heresies in Print?

Who are they (Master *Speaker*) that of late dayes have

beene advanced to any dignity or preferment in the Church, but such as have beene notoriously suspitious in their Disciplines, corrupt in their Doctrines, and for the most part, vitious in their lives?

And who are they (Master *Speaker*) that have overthrown our two great Charters, *Magna Charta*, and *Charta de Forresta*?

What imposition hath beene laid downe, or what Monopoly hath beene damned in any Court of Justice since the last Parliament?

Hath not ship-money, Coale and conduct money, and money for other Military charges, beene collected and leavied, with as great violence as ever they were, in violation of our liberties, confirmed unto us in our Petition of Right; notwithstanding all our supplications and complaints the last Parliament?

And who are they Master *Speaker*, that have caused all those dangerous Convulsions, and all the desperate unnaturall bloudy distempers, that are now in our body politique?

Master *Speaker*, I will tell you a passage, I heard from a Judge in the Kings-Bench. There was a poore man committed by the Lords, for refusing to submit unto a project, and having attended a long time at the Kings-Bench Barre, upon his *Habeas Corpus*, and at last pressing very earnestly to be bayled, The Judge said to the rest of his brethren, Come Brothers (said he) let us Baile him, for they begin to say in the Towne, that the Judges have overthrowne the Law, and the Bishops the Gospell.

Master *Speaker*, I would not be misunderstood in what I have said; for there are some of both functions and professions, that I highly honour and reverence in my heart, for their wisedomes and integrities. But Master *Speaker*, I may

say it; for I am sure we have all felt it; that there are some of both functions and professions, that have beene the Authors and causers of all the Miseries, Ruines, and Calamities that are now upon us.

Master *Speaker*, This is the Age; This is the Age (Master *Speaker*) that hath produced and brought forth *Achitophells*, *Hammans*, *Woolsies*, *Empsons*, and *Dudlies*, *Tricilians*, and *Belknapps*, Vipers and Monsters of all sorts. And I doubt not, but when his Majestie shall be truly enformed of such matters, as we are able to charge them withall, wee shall have the same Justice against these, which heretofore hath beene against their Predecessors, in whose wicked steps they have trodden.

And therefore Master *Speaker*, to put our selves into a way for our redresse and reliefe, I conceive it were fit that a Committee might be named to take these Petitions, that have now beene read, and all others of the like nature, into their considerations, to the end, that the parties grieved, may have just repaire for their grievances; and that out of them, Lawes may be contrived, and framed for the preventing of the like mischiefs, for the future.

FINIS.

THE LORD DIGBYES SPEECH IN THE HOVSE of Commons, to the Bill of Attainder of the Earle of STRAFFORD, the 21. Aprill. 1641.

Maſter Speaker.

WE are now upon the point of giving (as much as in us lies) the finall Sentence unto death or life, on a great Miniſter of State and Peere of this Kingdome, *Thomas* Earle of *Strafford*; a name of hatred in the preſent age by his Practices, and fit to be made a terror to future Ages by his puniſhment.

I have had the honour to bee imployed by the Houſe in this great buſineſſe, from the firſt houres that it was taken into conſideration: it was a matter of great truſt, (and I will ſay with confidence) that I have ſerved the Houſe in it with induſtry, according to my ability, but with moſt exact faithfulneſſe and ſecrecie.

And as I have hitherto diſcharged my duty to this Houſe

and to my Country, in the progresse of this great Cause; so I trust I shall doe now in the last period of it, to God and to a good conscience.

I doe wish the peace of that unto my selfe, and the blessings of *Almighty God* to mee and my posterity, according as my judgement on the life of this man shall be consonant with my heart, and the best of my understanding, in all integrity.

I know well Master Speaker, that by some things I have said of late, whilest this Bill was in agitation, I have raised some prejudices upon me in the cause.

Yea some (I thank them for their plaine dealing) have beene so free as to tell me, that I suffered much by the backwardnesse I have shewne in this Bill of *Attainder* of the Earle of *Strafford*, against whom I had beene formerly so keene, so active.

Mr. *Speaker*, I beg of you and the rest but a suspension of judgement concerning me, till I have opened my heart unto you freely and clearly in this businesse.

Truely Sir, I am still the same in my opinions and affections, as unto the Earle of *Strafford*, I confidently beleeve him the most dangerous Minister, the most insupportable to free Subjects, that can be character'd.

I beleeve his practises in themselves as high, as tyrannicall, as any Subject ever ventured on, and the malignity of them hugely aggravated by those rare abilities of his, whereof God hath given him the use, but the Devill the application. *In a word*, I beleeve him still that grand *Apostate* to the *Common-wealth*, who must not expect to be pardoned it in this world, till hee be dispatch'd to the other. And yet let mee tell you Master *Speaker*, my hand must not be to that dispatch.

I pro-

I proteſt, as my Conſcience ſtands enformed, I had rather it were off.

Let me unfold unto you the Myſterie, Maſter Speaker.

I will not dwell much upon juſtifying unto you my ſeeming variance at this time from what I was formerly, by putting you in mind of the difference betweene Proſecutors and Judges,

How misbecomming that fervour would be in a *Judge*, which perhaps was commendable in a *Proſecutor*. *Judges* we are now, and muſt put on another Perſonage.

It is honeſt and noble to be earneſt in order to the diſcovery of Truth, but when that hath beene brought as farre as it can to light, our judgement thereupon ought to be calme and cautious.

In proſecution upon probable grounds, we are accountable onely for our induſtry or remiſneſſe, but in judgement, we are deeply reſponſable to God Almighty, for its rectitude or obliquity. In caſes of life, the *Judge* is Gods Steward of the parties bloud, and muſt give a ſtrict account for every drop.

But as I told you Maſter *Speaker*, I will not inſiſt long upon this ground of difference in mee now, from what I was formerly.

The truth on't is, Sir, the ſame ground whereupon I (with the reſt of the five, to whom you firſt committed the conſideration of my Lord of *Strafford*) brought downe our opinion, that it was fit he ſhould be accuſed of Treaſon, upon the ſame ground I was engaged with earneſtneſſe in his proſecution, and had the ſame ground remained in that force of beliefe with me, which till very lately it did, I ſhould not have beene tender in his condemnation. But truly Sir, to deale

plainly with you, that ground of our accuſation, that ſpurre to our proſecution, and that which ſhould be the baſis of my judgement, of the Earle of *Strafford*, as unto Treaſon, is to my underſtanding quite vaniſht away.

This it was, Maſter *Speaker*.

His adviſing the King to employ the Army of *Ireland*, to reduce *England*.

This I was aſſured would be proved, before I gave my conſent to his accuſation. I was confirmed in the ſame beleefe, during the proſecution, and fortified in it moſt of all ſince Sir *Henry Vaines* preparatory examinations, by the aſſurances which that worthy member Mr. *Pymme* gave me, that his Teſtimony would be made convincing by ſome notes of what paſſed at the *Junto* concurrent with it, which I ever underſtanding to be of ſome other Counſellour, you ſee now prove but a Copie of the ſame Secretaries notes, diſcover'd and produc'd in the manner you have heard, and thoſe, *Such diſiaynted fragments of the venemous part of diſcourſes, no reſults, no concluſions of Counſels, which are the onely things that Secretaries ſhould regiſter, there being no uſe at all of the other, but to accuſe and to bring men into danger.*

But Sir, this is not that which overthrowes the evidence with mee, concerning the Army of *Ireland*; nor yet that all the reſt of the *Junto* upon their oathes remember nothing of it.

But this Sir, which I ſhall tell you, is that which works with mee under favour, to an utter overthrow of his evidence, as unto that of the Army of *Ireland*: *Before, whil'ſt I was a proſecuter, and under tye of Secrecie, I might not diſcover any weakeneſſe of the cauſe, which now as a Judge I muſt.* Maſter Secretary was examined thrice upon Oath, at the preparatory Committee.

The

The first time he was questioned to all the *Interrogatories*, and to that part of the seventh which concernes the Army of *Ireland*, he said positively in these words, *I cannot charge him with that. But for the rest, he desires time to recollect himselfe, which was granted him.*

Some dayes after, he was examined a second time, and then deposes these words concerning the Kings being absolved from rules of government, and so forth very clearely. *But being prest to that part, concerning the* Irish *Army, againe can say nothing to that.*

Here wee thought wee had done with him, till divers weeks after, my Lord of *Northumberland* and all others of the *Junto*, denying to have heard any thing concerning those words of reducing *England* by the *Irish* Army, it was thought fit to examine the Secretary once more, and then he deposes these words to have beene said by the Earle of *Strafford* to his Majestie: *You have an Army in* Ireland, *which you may imploy here to reduce, (or some word to that sence) this Kingdome.*

Mr. *Speaker*, these are the circumstances which I confesse with my Conscience, thrust quite out of dores that grand Article of our charge, concerning his desperate advice to the King, of employing the *Irish* Army here.

Let not this, I beseech you, be driven to an aspersion upon Master Secretary, as if he should have sworn otherwise then he knew or beleeved, hee is too worthy to doe that; onely let thus much be inferr'd from it, that hee who twice upon Oath with time of recollection, could not remember any thing of such a businesse, might well a third time misremember somewhat: and in this businesse the difference of one Letter, here for there, or that for this, quite alters the case, the latter also being the more probable, since it is confest of all hands, that the debate then was concerning a warre with

Scotland, and you may remember that at the Bar he once said to employ there. And thus Mr. *Speaker*, I have faithfully given you an account what it is that hath blunted the edge of the Hatchet or Bill with me towards my Lord of *Strafford*.

This was that whereupon I accused him with a free heart, prosecuted him with earnestnesse, and had it to my understanding beene proved, should have condemned him with innocence. Whereas now I cannot satisfie my conscience to doe it.

I professe I can have no notion of any bodies intent to subvert the Lawes treasonably, or by force; and this designe of force not appearing, all his other wicked practises cannot amount so high with me.

I can finde a more easie and more naturall spring, from whence to derive all his other Crimes, then from an intent to bring in Tyrannie, and to make his owne posterity as well as us, Slaves, as from revenge, from Pride, from Avarice, from Passion, and insolence of Nature.

But had this of the *Irish* Army been proved, it would have diffused a complexion of Treason, over all, it would have beene a With indeed, to bind all those other scattered and lesser branches, as it were into a Faggot of Treason.

I doe not say but the rest may represent him a man as worthy to dye, and perhaps worthier then many a Traytor. I doe not say, but they may justly direct us to *Enact* that they shall be Treason for the future.

But God keepe mee from giving judgement of death on any Man, and of ruine to his innocent Posterity, upon a Law made *à posteriori*.

Let the mark be set on the dore where the Plague is, and then let him that will enter dye.

I know Master *Speaker*, there is in *Parliament* a double power of life and death by Bill, a judiciall power, and a Legislative: the measure of the one, is what's Legally just, of the other, what is prudentially and politickly fit for the good and preservation of the whole. But those two, under favour, are not to be confounded in Judgement. Wee must not peece up want of Legality with matter of convenience, nor the defailance of prudentiall fitnesse, with a pretence of legall Justice.

To condemne my Lord of *Strafford* judicially as for Treason, my conscience is not assured that the matter will bear it.

And to doe it by the Legislative power, my reason consultively cannot agree to that, *since I am perswaded, neither the Lords nor the King will passe the Bill, and consequently that our passing it will be a cause of great divisions and combustions in the State.*

And therefore my humble advice is, that laying aside this Bill of *Attainder*, we may think of another, saving only life, such as may secure the State from my Lord of *Strafford*, without endangering it, as much by division concerning his punishment, as he hath endangered it by his practices.

If this may not be hearkned unto, let me conclude in saying that unto you all, which I have throughly inculcated to mine owne conscience upon this occasion. *Let every man lay his hand upon his heart, and sadly consider what we are going to doe, with a breath, either justice or murther; justice on the one side, or murther heightned and aggravated to its supreamest extent.* For as the *Casuists* say, that he who lyes with his sister commits incest, but he that marries his sister sinnes higher, by applying Gods Ordinance to his crime: *So doubtlesse he that commits murther with the sword of Justice, heightens that crime to the utmost.*

The danger being so great, and the case so doubtfull, that I see the best Lawyers in *diametrall opposition* concerning it,

Let

Let every man wipe his heart, as he does his eyes, when hee would judge of a nice and subtile object. *The eye, if it be pretinsted with any colour, is vitiated in its discerning. Let us take heed of a blood-shotten-eye of Judgement.*

Let every man purge his heart cleare of all passions, (I know this great and wise body politick can have none, but I speak to inviduals from the weaknesse which I finde in my selfe.) Away with personall animosities, away with all flatteries to the people, in being the sharper against him, because he is odious to them; away with all feares, lest by the sparing his bloud they may be incenst; away with all such considerations, as that it is not fit for a *Parliament, that one accused by it of Treason should escape with life.*

Let not former vehemence of any against him, nor feare from thence, that he cannot be safe while that man lives, be an ingredient in the sentence of any one of us.

Of all these corruptives of judgement, Mr. *Speaker*, I doe before God discharge my self to the uttermost of my power,

And doe with a cleare Conscience wash my hands of this mans blood, by this solemne protestation, that my Vote goes not to the taking of the Earle of *Strafford's* life.

FINIS.

The Two last SPEECHES of *Thomas Wentworth*, Late Earle of *Strafford*, and Deputy of *Ireland*.

His speech in the Tower, to the Lords.

RIght Honourable, and the rest, you are now come to convey me to my death, I am willing to dye, which is a thing no more that all our Predecessors have done, and a debt that our Posterity must in their due time discharge, which since it can be no way avoyded, it ought the lesse to be feared; for that which is common to all, ought not to be intollerable to any: It is the Law of Nature, the tribute of the flesh, a remedie from all worldly cares and troubles; and to the truly penitent, a perfect path to blessednesse. And there is but one death, though several wayes unto it: mine is not naturall, but inforced by the Law and Iustice: it hath been sayd that the Lawes vex only the meaner sort of people, but the mighty are able to withstand them: it is not so with me, for to the Law I submit my self, and confesse that I receive nothing but Iustice: for he that politikly intendeth good to a Common-weale, may be called a just man, but he that practiseth either for his own profit, or any other sinister ends, may be well termed a delinquent person: neither is delay in punishment any privilege for pardon. And moreover I ingenuously confesse with *Cicero*, That the death of the bad is the safety of the good that be alive.

Let no man trust either in the favour of his Prince, the friendship and consanguinity of his Peeres, much lesse in his own wisedome and knowledge, of which I ingeniously confesse I have been too confident. Kings, as they are men before God, so they are Gods before men, and I may say with a great man once in this kingdome, *Had I strived to obey my God as faithfully, as I sought to honour my King fraudulently, I had stood, and not fallen.* Most happie and fortunate is that Prince, who is as much for his justice feared, as for his goodnes beloved: For the greater that Princes are in power above other, the more they ought in vertue to excell other; and such is the royall Soveraign whom I late served.

For my Peeres, the correſpondence that I had with them during my proſperity, was to me very delightfull and pleaſing, and here they have commiſerated my ruine, I have plentifully found, who (for the moſt generous of them) I may boldly ſay, though they have deteſted the fact, yet they have pitied the perſon delinquent; the firſt in their loyaltie, the laſt in their charitie: ingenuouſly confeſſing, that never any Subject, or Peere of my rank, had ever that help of Counſell, that benefit of time, or a more free and legall tryall than I have had: of the like to which, none of my Predeceſſors hath had ſo much favor from his Prince, ſo much ſufferance from the people; in which I comprehend the underſtanding Commons, not the many headed monſter, Multitude: but I have offended, and ſentenced, and muſt now ſuffer me.

And for my too much confidence in my ſuppoſed wiſdome and knowledge, therein have been the moſt deceived: For he that is wiſe to himſelf, and knowes by others faults to correct his own offences, to be truly wiſe is to be Secretaries to our ſelves; for it is meere folly to reveale and intimate thoughts to ſtrangers: wiſdome is the moſt precious Gem with which the minde can be adorned, and learning the moſt famous thing for which a man ought to be eſteemed, and true wiſedome teacheth us to do well, as to ſpeak well: in the firſt I have failed, for *the wiſedome of man is foliſhneſſe with God.*

For knowledge, it is a thing indifferent both to good and evill, but the beſt knowledge, is for a man to know himſelf; he that doth ſo ſhall eſteem of himſelf but little, for he conſidereth from whence he came, and whereto he muſt, he regardeth not the vain pleaſures of this life, he exalteth God, and ſtrives to live in his fear; but he that knoweth not himſelf is wilfull in his own wayes, unprofitable in his life, unfortunate in his death, and ſo am I. But the reaſon why I ſought to attain unto it was this: I have read that he that knoweth not that which he ought to know, is a brute beaſt amongſt men: he that knoweth more then he ought to know, is a man amongſt beaſts: but he that knoweth all that may be known, is a God amongſt men. To this I much aſpired, in this I much failed; *Vanitie of Vanities, all is but vanity.*

I have heard the people clamour and cry out, ſaying, That through my occaſion the times are bad, I wiſh that when I am dead they may prove better: moſt true it is, that there is at this time a

great

great storm impending (God in his mercie avert it.) And since it is my particular lot, like *Jonah*, to be cast into the sea, I shall think my life well spent, to appease Gods wrath, and satisfie the peoples malice.

O what is eloquence more than air? fashioned with an articulate and distinct sound, when it is a speciall vertue to speak little and well, and silence is oft the best oratory; for fools in their dumbnesse may be accounted wise: It hath power to make a good matter seem bad, and a bad cause appear good: but mine was to me unprofitable, and like the Cypresse trees, which are great and tall, but altogether without fruit.

What is honour, but the first step to disquietnesse? and power is still waited on by envy, neither hath it any priviledge against infamy. It is held to be the chiefe part of honour, for a man to joyn to his office and calling, courtesie and affability, commiseration and pity: for thereby he draweth to him with a kinde of compulsion, the hearts of the multitude. But that was the least part of my study, which now makes me call to minde, that the greater the persons are in authority, the sooner they are catcht in any delinquency, and their smallest crimes are striven to be made capitall, the smallest spot seems great in the finest linnen, and the least flaw is soonest found in the richest Diamond. But high and noble spirits finding themselves wounded, grieve not so much at their own pain and perplexity, as at the deriding and scoffing of their enemy: but for mine own part, though I might have many in my life, I hope to finde none in my death.

Amongst other things which pollute and contaminate the mindes of great spirits, there is none more haynous than Ambition, which is seldome unaccompanied without Avarice: Such, to possesse their ends, care not to violate the Laws of Religion and Reason, and to break the bonds of modesty and equity, with the nearest ties of Consanguinity and Amity; of which as I have been guilty, so I crave at Gods hands forgivenesse. It is a Maxime in Philosophy, that ambitious men can be never good Counsellors to Princes; the desire of having more is common to great Lords, and a desire of Rule a great cause of their Ruine.

My Lords, I am now the hopelesse President, may I be to you all an happy example: For Ambition devoureth gold, and drinketh blood, and climbeth so high by other mens heads, that at the

length in the fall it breaketh its own neck: therefore it is better to live in humble content, than in high care and trouble: For more precious is want with honesty, than wealth with infamy: For what are we but meer vapours, which in a serene Element ascend high, and upon an instant, like smoke, vanish into nothing: or like Ships without Pilots, tost up and down upon the Seas by contrary windes and tempests. But the good husbandman thinks better of those ears of Corn, which bow down, and grow crooked, than those which are straight and upright, because he is assured to finde more store of grain in the one than in the other. This all men know, yet of this, how few make use? The defect whereof must be now my pain: may my suffering prove to others profit.

For what hath now the favour of my Prince, the familiarity with my Peers, the volubility of a tongue, the strength of my memory, my learning, or knowledge, my honours, or Offices, my power and potency, my riches and treasure (all these especiall gifts, both of Nature and Fortune) what have all these profitted me? Blessings I acknowledge, though by God bestowed upon man, yet not all of them together upon many: yet by the Divine providence the most of them met in me: of which had I made happy use, I might still have flourish't, who now am fore'd immaturely to fall.

I now could wish (but that *vinam* is too late) that God with his outward goodnesse towards me had so commixed his inward grace, that I had chused the *Medium* path, neither inclining to the right hand, nor deviating to the left; but like *Icarus* with my waxen wings, fearing by too low a flight to moisten them with the Waves: I soared too high, and too neer the Sun, by which they being melted; I ayming at the highest, am precipitated to the lowest: and am made a wretched prey to the Waters: But I who before built my house upon the sand, have now setled my hopes upon the Rock my Saviour: by whose onely merits, my sole trust is, that whatsoever becomes of my body, yet in this bosome my soul may be Sanctuaried.

Nimrod would have built a Tower to reach up to heaven, and call'd it *Babel*; but God turned it to the confusion of Languages, and dissipation of the people. *Pharaoh* kept the Children of *Israel* in bondage, and after having freed them, in his great pride would have made them his prey; but God gave them a dry and

m'r colour

miraculous passage, and *Pharaoh* and his hoast a watry Sepulcher. *Belshazzer* feasted his Princes and Prostitutes, who drunk healths in the Vessels taken from the Temple, but the hand of God writ upon the wall, *Mene, Tekel, Phares*, and that night before morning was both his Kingdom and life taken from him: Thus God lets men go on a great while in their own devices, but in the end it prove their own ruine and destruction, never suffering them to effect their desired purposes: therefore let none presume upon his power, glory in his greatnesse, or be too confident in his riches: These things were written for our Instruction, of which the living may make use, the dying cannot, but wit and unfruitfull wisedome are the next neighbours to folly.

There can be no greater vanity in the world, than to esteem the world, which regardeth no man; and to make slight account of God, who greatly respecteth all men; and there can be no greater folly in man, than by much Travell to increase his goods, and pamper his body, and in the interim with vain delights and pleasures, to lose his soul. It is a great folly in any man to attempt a bad beginning, in hope of a good ending; and to make that proper to one, which was before common to all, is meer indiscretion, and the beginning of discord, which I positively wish may end in this my punishment.

O how small a proportion of earth will contain my body, when my high minde could not be confined within the spacious compasse of two Kingdoms? But my hour draweth on, and I conclude with the Psalmist, not ayming at any one man in particular, but speaking for all in generall: *How long will you Judges be corrupted? how long will ye cease to give true judgement? &c. Blessed is the man that doth not walk in the Councell of the wicked, nor stand in the way of sinners, nor sit in the seat of the scornfull, therefore they shall not stand in the Judgement, nor sinners in the Assembly of the righteous, &c.*

About the hours of 10 and 11 a Clock the foresaid Lord of *Strafford* was conveyed to the Scaffold on Tower-Hill, where was a Court of Guard made by the severall Companies of Souldiers of the City of *London*, and the Hamlets of the Tower on each side as he passed to the Scaffold: before marched the Marshals men to make way, then the Sheriffs of Londons Officers with their Halberds, after them the Kings Guard, or Warders of the Tower: Next came one of his Gentlemen, bare headed, in mourning Habit, the Lord *Strafford* following him clad in black cloth, with divers others in the same habit, which were his attendants; then the Lord Bishop of *Armagh*, and other good Divines, with the

Sheriffs of London, and divers honorable personages.

When he came upon the Scaffold, he there shewed himself on each side to all the people, and made this short speech, with as much alacrity of Spirit as could be expressed, *Viz.*

The Lord *Wentworths* speech on the Scaffold.

MY Lord Primate of *Ireland*, and my Lords, and the rest of these noble Gentlemen, It is a great comfort to me to have your Lordships by me this day, because I have been known to you a long time, and I now desire to be heard a few words:

I come here my Lords to pay my last debt to sin, which is death; and through the mercies of God, to rise again in eternall glory.

My Lords, if I may use a few words, I shall take it as a great curtesie from you: I am come here my Lords, to submit to the judgement that is passed against me, I do it with a very quiet and contented minde; I do freely forgive all the world, a forgivenesse not from the teeth outwards (as they say) but from my heart; I speak it in the presence of Almighty God, before whom I stand, that there is not a displeasing thought that ariseth in me against any man; I thank God, I say truely, my conscience bears me witnesse, that in all the honour I had to serve his Majesty, I had not any intention in my heart, but did aime at the joynt and individuall prosperity of the King and his people, although it be my ill hap to be misconstrued: I am not the first man that hath suffered in this kinde, it is a common portion that befalls men in this life, righteous judgement shall be hereafter; here we are subject to errors and misiudging one another.

One thing I desire that I might be heard, and I do hope that for Christian charities sake I shall be believed: That I was so farre from being against Parliaments, that I alwayes did think Parliaments in England to be the happy constitutions of the Kingdome and Nation, and the best means under God, to make the King and his people happy: As for my death I do hear acquit all the world, and beseech God to forgive them; In particular, I am very glad his Majesty conceives me not meriting so severe and heavy a punishment, as the utmost execution of this sentence, I do infinitely rejoyce in it, and in the mercy of his, and do beseech God to return to him the same, that he may finde mercy when he hath most need of it. I wish this Kingdom all

prosperity and happinesse in the world, I did it living, and now dying it is my wish.

And I professe heartily, and do humbly recommend it to you, and wish that every man would lay his hand on his heart, and consider seriously, whether the beginning of the peoples happinesse should be written in letters of blood. I fear they are in a wrong way: I desire Almighty God, that no one drop of my blood rise up in judgement against them. I have but one word more, and that is for my Religion.

My Lord of *Armagh*, I do professe my self seriously, faithfully, and truly, to be an obedient sonne of the Church of England: in that Church I was borne and bred: in that Religion I have lived, and now in that I dye: prosperity and happinesse be ever to it.

It hath been said I was inclined to Popery: if it be an objection worth the answering, let me say truly from my heart, that since the time that I was 21. yeers of age, unto this day, going on 49. yeers, I never had thought or doubt of the truth of this Religion, nor had ever any the boldnesse to suggest to me the contrary (to my best remembrance,) and so being reconciled to the mercies of Christ Jesus my Saviour, into whose bosome I hope shortly to be gathered, to enioy eternall happinesse, which shall never have end. I desire heartily to be forgiven of every man, if any rash or unadvised words or deeds hath passed, and desire all your prayers; and so my Lord farewell, and farewell all things in this world.

The Lord strengthen my faith, and give me confidence and assurance in the merits of Christ Jesus, I trust in God we shall all meete to live eternally in Heaven, and receive the accomplishment of all happinesse, where every tear shall be wiped from our eyes, and sad thought from our hearts: And so God blesse this Kingdome, and Jesus have mercy on my soul.

Then turning himself about, he saluted all the Noblemen, and took a solemne leave of all considerable persons on the Scaffold, giving them his hand:

And after that he said, Gentlemen, I would say my prayers, and I intreat you all to pray with me, and for me; then his Chaplain laid the book of Common-prayer upon the chair before him as he kneeled down, on which he prayed almost a quarter of an houre, then he prayed as long or longer without a book, and ended with the Lords prayer; then standing up he spake his brother Sir *George Wentworth*,

and

and cals him to him, and saith, brother we must part, remember me to my sister, and to my wife, and carry my blessing to my eldest sonne, and charge him from me, that he fear God and continue an obedient sonne of the Church of England, and that he should approve himself a faithfull subject to the King, and tell him that he should not have any private grudge or revenge towards any concerning me, and bid him beware that he medle not with Church livings, for that will prove a moth and canker to him in his estate, and wish him to content himself to be a servant to his Country, as a Justice of peace in his County, and not aiming at higher preferments; carry my blessing also to my daughters *Anne*, and *Arrabella*, charge them to fear and serve God, and he will blesse them, not forgetting my little Infant that yet knowes neither good nor evill, and cannot speak for it self, God speak for it and blesse it; then sayd he, now I have nigh done, one stroke will make my wife husbandlesse, my dear children fatherles, and my poore servants masterlesse, and seperate me from my dear brother and all my friends, but let God be to you and them, all in all.

After that, going to take off his doublet, and to make himself unready, he sayd, *I thank God I am no more afraid of death, nor daunted with any discouragements rising from any fears, but do as chearfully put off my doublet at this time, as ever I did when I went to bed.* Then he put off his doublet, and wound up his hair with his hands, and put on a white cap.

Then he called, where is the man that should do this last office? (meaning the Executioner) call him to me. When he came and askt him forgiveneſſe, he told him he forgave him and all the World. Then kneeling down by the block, he went to prayer again himself, the Bishop of *Armagh* kneeling on the one side, and the Minister on other; to the which Minister after prayer he turned himself, and spoke some few words softly, having his hands lifted up: this Minister closed his hands with his; then bowing himself to the earth to lay his head on the blocke, he told the Executioner that he would first lay down his head to try the fitnesse of the block, and take it up again before he would lay it down for good and all, and so he did: and before he layd it dow again, he told the Executioner that he would give him warning when to strike, by stretching forth his hands; and then laid down his neck on the block, stretching out his hands, the Executioner struck off his head at one blow, then took the head up in his hands, and shewed it to all the people, and said, *God save the King.*

SIXTEENE

SIXTEENE QVERIES

Propounded by the Parliament of *Ireland*, to the Judges of the ſame Kingdome.

THat the Judges may ſet forth and declare, whether the Inhabitants of this kingdome be a free people, or whether they be to be governed onely by the antient common lawes of England.

II.

Whether the Judges of the Land doe take the Oath of Judges, and if ſo, whether under pretext of any Acts of State, Proclamation, Writ, Letter, or direction under the great or privie ſeale, or privie Signet, or Letter, or other commandement from the Lord Lieutenant, Lord Deputie, Juſtice, Juſtices, or other chiefe Governor, or Governors of this Kingdome they may hinder, ſtay or delay the ſuite of any ſubject, or his judgement, or execution thereupon, if ſo, in what caſes, and whether, if they doe hinder, ſtay or delay ſuch ſuite, judgement or execution, what puniſhment they incurre by the Law for their deviation and tranſgreſſion therein.

III.

Whether the Kings Majesties privie Counsell, either together, or with the chiefe Governor or Governors of this Kingdome, without him or them be a place of Judicature by the common Lawes, where in case between party and party for Debts, Trespasses, Accounts, Covenants, possessions, and title of Land, or any of them, and with them may be heard, and determined, and of what civill Causes they have jurisdiction, and by what Law, and of what force is their order or Decree, in such cases or any of them.

IV.

The like of the chiefe Governors alone.

V.

Whether Grant of Monopolies be warrantable by the Law, and of what, and in what Cases, and how, and where, and by whom, are the Transgessors against such Grantees punishable, and whether by Fine and mutilation of Members, imprisonment, losse, and forfeiture of goods, or otherwise, and which of them.

VI.

In what Cases the Lord Deputie, or other chiefe Governors of this Kingdome and Counsell, may punish by Fine, imprisonment, Mutilation of Members, Pillory, or otherwise, they may sentence any to such the same, or the like punishment, for infringeing the commands of any Proclamation, or Monopolie, and what punishment doe they incurre, that doe vote for the same.

VII.

Of what force is an Act of state or Proclamation in this Kingdome

Kingdome to bind the liberty, goods, poſſeſſions, or inheritance of the natives thereof, whether they or any of them can alter the common Law, or the infringers of them loſe their Goods, Chattels, or Leaſes, or forfeit the ſame by infringing any ſuch Act of State or Proclamation, or both, and what puniſhment doe the ſworne *Judges* of the Law, that are privie Counſellors, incurre that vote for ſuch Act and execution of it.

VIII.

Whether the ſubjects of this Kingdome be ſubiect to the Marſhall Law, and whether any man in time of peace, no enemy being in the fields, with diſplayed colours can be ſentenced to Death, if ſo, by whom, and in what caſes, if not, what puniſhment doe they incurre that in time of peace, execute Marſhall *Law*.

IX.

Whether voluntary Oathes taken freely before *Arbitrators*, or others for affirmance, or diſaffirmance of any thing, or for the true performance of any thing, be puniſhable in the *Caſtle-Chamber*, or in any other *Court*, and why and wherefore.

X.

Why, and by what *Law*, and upon what Rule of policie is it, that none is admitted to reducement in the Caſtle-chamber, untill he confeſſe the offence for which he is cenſured, when as *Re vera* he might be innocent therof, though ſubordined *proofes or circumſtances*, might induce him to be cenſured.

XI.

Whether the Judges of the Kings Bench, and by what law, doe or can deny, the copies of Indictments, of Felony, or Tyeaſon to the parties accuſed of Treaſon, contrary to the ſtatute of 42. *Edw.* 3.

XII.

Whether the ſtatute of *Baltinglaſe* take from the Subiects, out-lawed for Treaſon, *though erroneouſly*, the benefit of his *Writ of Error*, and how and by what meanes, that blin clauſe not *warranted*, by the body of that Act came to be inſerted, and by what Law is it countenanced to the diminution of the liberty of the ſubject.

XIII.

What power have the *Barons* and the Court of *Exchequer*, to raiſe the reſpite of homage *Arbitrarily* to what value they pleaſe, and to what value they may raiſe it, and by what law they may diſtinguiſh betweene reſpite of homage, upon the diverſities of the true value of the Fees, when as all Eſcuage is the ſame for great and ſmall Fees, and they apportionable by *Parliament*.

XIIII.

Whether it's cenſurable in the ſubjects of this Kingdome, to repaire into *England* to appeale to his Majeſty for *Redreſſe* of *Injuries*, or for other their *accuſers*, if ſo, why, and in what condition of *perſons*, and by what law.

XV.

Whether *Deanes* and other *Dignitanies* of *Cathedrall Churches*, be properly *de mero jure donative*, by this King, or not *elective or collative*, if ſo, why, and by what law, and whether the confirmation of a Deane *de facto* of the Biſhops Grantee be good, and valid in the law, or no, if not, by what law.

XVI.

Whether the iſſuing of *Quo Warranto's* againſt *Burroughes*, that antiently, and recently ſent Burgeſſes to the Parliament, to ſhew cauſe why they ſent Burgeſſes to the Parliament be legall.

CAPTAINE

CAPTAINE
AVDLEY MERVINS
SPEECH,
To the Houſe of Commons
in *Ireland*.

Mr. *Speaker*,

IT was equall care and policy in our Predeceſſours. Firſt to lay a foundation, and then by a continued induſtry to build and perfect ſo glorious a fabrique as the houſe of Commons lawfull ſummoned by the Kings writ repreſents it ſelfe unto us at this day. In which ſo elaborate and exquiſite a ſtructure being finiſhed and crowned with thoſe fruitfull and peace-ſpeaking events, may challenge by right the title of a *Jubile*.

To ſo great a modell with neate and provident husbandry they intend no leſſe then ſutable furniture (which allowed pride) diſdaine to cloath it with any other, but with what by his Majeſties favour they had procured out of his owne ſtore; I meane thoſe great and large priviledges, which by ſeverall acts of royall favor have bin diſpenſed, annexed, nay hypoſtatically united, to the ſame Priviledges are the ſoule, by which we move the Sinues and Nerves, by which we are compacted, they are them,

by which we breath. Priviledges for their birth allyed to the Kings Prerogative, for their antiquity sacred, for their strength so re-intrenched by common law, fortified by statutes, insconsed by precedents of all times, that no man ever attempted their violation with impunity, so that now and then it may be truly said, The Kings house is all glorious within. *If we which are Heires to their lawes, as unto their lands, will strive to make no addition to the rich inventurie of those priviledges they have bequeathed unto us, yet with united spirits, let us all at least prevent the dilapidation, nay the diminution of the least of them.*

This present occasion of debating Mr. *Fitz-Gerralds* petition exhibited to this honorable house, sets before us blessings and cursings, and is the first leafe (as wee may terme it) of the house of commons Almanak, not made to serve for one, but for many yeers, and calculated to serve indifferently for all latitudes, in which, our carriage makes this and all succeeding dayes but servil and working daies, or otherwise imprints this day and our priviledges in a conspicuous, plausive rubrique to posterity; whilest the Palladium was in *Troy*, neither the power nor the long siege of the *Grecians*, could prevaile against it, whilest *Minoes* purple lockes curled from their native roots, *Crete* was unvanquished. The Morall of these (*afflictions*) emphatically preach and teach us this *Doctrine*, that the safety, pregnancy, glory, and strength of this house, is but only sent us upon this condition, whilest we keepe, preserve, and defend our liberties, our rights, our priviledges unbetrayed, unsuppressed, and uncontrolled: if any more allyed to the corruptions of our owne distempers, then challenging an interest in us by a legitimate birth, could involve this grave and great assembly, in such epidemicall liturgie, as directly to snore, *or at lest to wink whilest our priviledges cloathed in a purple robe of glory (like a word never to be recalled) escape from among us, I say if ungratefull, I should cut off the inheritance of these immunities entailed upon*

us,

us, and confirmeth it a monument all portion upon this younger brother of state, this House of Commons, what can we expect, but that our Fathers Ghosts apparelled with indignation, should appear unto us with this or the liking branding phrase. Most ungratefull and unfortunate posterity. *O sæva parentum pejor ætas*, better had it bin for you not to live then to out-live your owne infamie. If there had been a necessity, you should involve your selves in a general-guilt, the election ought to have beene of such a one as might have died with your selves; but this like originall sinne, binds your posterity to sigh for a redemption. Did we bequeath unto you those faire ornaments to be stolne or snatched from you? Oh, where, where was your vigilancy and boldnesse to present so disasterous and fatall a consequence. Did we with no better successe of imitation by your labour, and even unto hoarsenesse contend in the Parliament held 39. *Hen. 6.* as Prophecying your weaknesse, leave you a record to build upon? Where we admitted and priviledged one *Walter Clarke* a Burgesse of *Chepingham*, though at that time in execution *ad sect. Reg.* Did we for this purpose recommend unto you *Ferrars* case and our proceedings against the disturbers of his right? Did we for this purpose recommend unto you *Belgraves* case 43. of the Queene. *Who notwithstanding he procured his election in Winchester by collusion*, yet *Maugre* the great opposition raised by the Earle of *Huntington* upon the sight of the Sheriffes returne (a sufficient amerment to satisfie us) we admitted and confirmed him in the protection of our house, did we for this purpose exemplifie unto you the case of *Richard Chidder*, 5. *Henry* 4 who being arrested in his journey towards the Parliament (where note that the date of the election is the date of the privilledge.) They are twins of one birth, wee ingraft them as a twig to bee writh'd by our common roote, and quickly lope off that so perilous authority which would prunne our branches. Nay M^r. *Speaker*, our fellowes labouring Parliament in *England*,

England, with their hearty commendation have transmitted unto us a precedent from each house. The house of the Lords opening the gates of the Tower to prepare an entry to the censured Bishop of *Lincolne*, and the house of Commons with like imitation and like successe having performed the same in Sir *John Elliot* and innumerable others. But now I will endeavour to allay the distempered spirits of our Fathers, whilest with more patience and duty we attend the modest corrections of our indulgent King. And so *exeunt Patres*, and *Intr. H.* 8. in his owne person commending the resolution and zeale of the house of Commons in preserving the lustre of their owne Priviledges from being Eclipsed, aledging himselfe to be interessed in them, since that he and they, knit together, compleated one body, who in this our deserved calamities, would not rather imitate us by scoffs, then qualifie our untimely repentance by absence of our owne murdering wrongs. What may not *E.* 4. exprobrate unto us, who in the 3. yeare of his raigne, records his regall pleasure to posterity? That all Acts, Suites, judgements, censures *& qui dicit omne excludit nullum*, awarded against any Member of Parliament, should be utterly void and frustrate, crowning the Act with an Emphaticall epiphonema, and this act to endure for ever. And surely common reason is pregnant in the justification thereof. That where the publique service and good is primarily intended, a supersedias must issue to private respects, since they cannot stand in competition, and inhabit our sphere. If their judgements are not yet calmed and setled, behold his Majesty, that now is, cloathed in his royall Robes, and thus speaking unto you from underneath his state. Gentlemen, why stagger you thus, that are your selves the pillars of the commonweale, you are not upon breaking the Ice, nor bound upon the discovery of the unknowne world, each leafe reports your precedents that are like Maps that secure and expedite your fortunate Navigation. From me you can

expect

expect no more satisfaction, then what I have declared in the third yeer of my Raign, in answer to the Petition of Right in Parliament, that I am interessed in the maintaining of the Privileges of this House, being a main Pillar of the liberty of my Subject, the goods of one being seised in my name, and for my use, for denying Tonnage and pondage, they reassumed, he being at the time of that seisure a Member of the House, and whether I distasted, sure I am, I had no redresse. As for the tender care of my interest in the fine of 10000l. and that you admitted my Attorney generall to a favourable hearing in my behalf, though against your selves (a Parliamentary custome not to be written in small Print) I thank you Gentlemen, yet I think you know, as well as I, that these great sounding Fines to me, have in their effects, but short and little accounts, if there be 3. bags, the little one is mine: The 5000l. dammages to the party (a summe equall) or more to the defendants estate) is as much as *Magna Charta*, by those words of *salvo contenemento*, would warrant: Therefore my Judges, by dividing it, might have considered me somewhat, whereas now the old proverbe binds me, Where there is nothing left, the King loses his right.

Now Mr *Speaker*, in a Parliamentary way, we must withdraw and enter into our own Sphear. Enter into a discussie of those objections, that impugne Mr *Fitz-Geraldi* election, admittance and priviledge of this House;

The first that ushers in the train, is a sentence cloathed in sable, standing on tip-toe, and with a rusty dagger thrusting at a starre, I mean a sentence speaking errour, a sentence visiting the third and fourth generation, a sentence striving to leap over the bounds of *Magna*

charta, thirty times confirmed, a sentence awarded against a *Judge* of a higher Court, than from which it issued. The cause in question is to nullifie this sentence, which if he appear a person capable of his priviledge, *more suo vivit*, and then neither it, nor any thing derivatory, or collateral to it, may be admitted against him by the rules of common, civill, or common Law, it being a maxime consonant to them all. *Non potest adduci ejusdem rei exceptio cujus petitus dissolutio.* Now to prove this sentence void (Mr. *Speaker*) I being no professor of the Law, yet a Disciple of reason, and the body of the antient Subject to the like guilt: I will couch my self in arguments, *quæ probant & non probantur*, leaving precedents and Book-cases to the learned long Robe: Then thus I argue. By the Stat. 3. *E.* 4. All judgements, censures, sentences, &c. awarded against a member of Parliament are void, so was this government: some may say, the King is not here included, I say (*qui dicit omne, excludit nullum*) And experience, the mother of knowledge, teacheth the same in precedents afore rehearsed, and one I will adde for all, which *Trewman*, 38. *Hen.* 8. who was in execution upon a writ of exigent after a *Capias adsatisfaciend.* at the Kings suit, and yet priviledged, besides this is not at the Kings suit, for the King is interessed here but secondarily both in name and profit. Now I must make good my minor, that he is a member of this house: he that was duely elected and truely returned, is a member of this house, so was he. *Ergo, &c.* My minor will be questioned, I confirm it thus, where the Kings writ for election is duly pursued, according to the most used and received form, there such an election is good, so was this. *Ergo.* Here (Mr. *Speaker*) falls the weight of their objection, which we will master, and answer with equall speed, and first *vellicat mihi aurem nescio quis*, and saith the writ is *Burgensis de Burgo*, but he is not *Burgensis de Burgo*. First I say

quomodo

quomodo constat, here is none to offer in proof, he is not so, beside I offer it in Quære, whether the election doth not *ipso facto* make him a Burgesse, *& in omni instanti*, again I say the writ is *directive* not *positive*. *v. g. in a venire facias*, the Sheriff commanded to return 12. yet if he return not 24. he shall be fined, in respect experience and practice proves, some of the 12. may be questioned and challenged, besides the writ explains it self, the Knights must be *Comitatus tui*, but the Burgesses and Citizens *de qualibet Civitate & Burgo*, which can admit of no other construction, but these two Burgesses out of every Burrough, & not as *Comitatus tui*, is, which were then of every Burrough, and certainly the Law provided this with great reason, as not doubting every Shire could afford two Knights, *resident, yet jealous*, whether every Burrough could provide two resident Burgesses qualified with these necessary adjuncts; as could befit a member of so noble a place; Again the writ commands *duos milites*, and yet exception was never taken upon returning of Esquires, so that the writ expounds it self, it is not literally to be taken. Next there is Thunder and Lightning shot out of the Statute, 33. *H.* 8. being a Stat. to regulate election, and absolutely commanding every Knight and Burgesse to be resident and have a certain Fee-simple in every burrough and County, out of which they are elected; Here they suppose our Priviledge will cry quarter as ready to be murthered by the Statute, but it is ominous *ante victoriam canere*. For first, we answer, that the disuse of a Statute antiquates a Statute, as is observed upon the Statute of *Merton*, and custome applauded by fortunate experience, hath in all Parliaments ever prevailed; a house of Commons would rather present *Babell* in it's confusion, if the *Tincker* would speak his *Dialect*, the Cobler his, and the Butcher conclude a greasie Epilogue, then the writ were well pursued, these were *Idonei homines* to take and give counsell *de rebus arduis*;

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but even to cut off the head of their own argument by a Sword of their own, this Stat. of 33. *H.* 8. seems by the preamble to be made in repeal of all former Statutes, by which, election not qualified with residency, was made void, and so became a grievance to the Common-wealth, and therefore this Statute makes the election not observed *ut supra*, only penall, so that there is nothing offered in objection, either from the writ or Statute to avoid this election. Now I have placed him and dayly elected him, and then his priviledge grows by consequence, yet we have other objections *minoris magnitudinis*, and to repeat them is to confute them; First, say they, every *Libeller* is *de jure*, excommunicated; I answer, every *Libeller* must be *Scriptis*, *Pictis*, or *Cantilenis*, our member is guilty of none of them, no, he is not learned, so neither in the censure, nor in any present proceeding. Another flourish is, that he pleaded not his priviledge in the *Castle-Chamber*, in which very objection, they confesse him priviledged, and make themselves guilty, that they would proceed against a known member of our House. But see the Roman spirit of Mr. *Fitz-Gerald*, who would rather undergo the hazard of being a *Starre-Chamber Martyr*, than to submit our Priviledge to an extrajudiciall debate. It was in our honour he did this, and for his eternall applause: some body sayes the Castle-Chamber will think it self injured, there being Lords of the house of Parliament at and in the censure. As for the Lords, *humanum est errare*, but the Judges are rather involved in these words *Premeditatis malitia*, for his election was the 11 of *November* sitting then in Parliament; and his censure the 13 of *December*, so they had 22 or 23 dayes to repent of their ill-grounded resolution, a greater affront never offered to the house of Commons, being comparative, as if the Recorder of the *Tolsell* should sentence the Lord chief Justice of *Ireland*, a member of our house is a walking Record,

cord, and needs not to melt the Kings picture in his pocket. Others alleadge, it was an election purchased by colluſion, but *de non exiſtentibus & non apparentib. eadem eſt ratio.* And ſince the end of his election is in it ſelf and *per-ſe*, for the advancing of the publike ſervice, as well to prove a ſentence not then *in rerum natura*, both Law and charity in a benigne conſtruction of theſe two ends will allow the more favourable. Another objection is whiſpered, that the entrance is not found in the Clerk of the Parliaments Role; This is no matter to the validity of his election, for his priviledge commenced 40 dayes before the Parliament, therefore this and the like are to be judged of as *accidentia quæ poſſunt abeſſe & adeſſe ſine ſubjecti interitu.* Truely (M^r. *Speaker*) my memory and lungs begin to prove Traytors to me; Another objection, if omitted, may be judged by theſe of what ſtrength and maturity they, even as by the coynage of a penny, one may judge of a ſhilling; What hinders then, ſince here is water, but that he may be baptized? Here are no *non obſtant's* to be admitted in his new Patent of Denization, the common law, the Statute law, the Canon, the Civill law plead for his admittance, the writ of election, the exemplification of the Sheriffs return, all preſidents of all ages, all reports plead for his admittance, our fore-fathers Ghoſts, the preſent practice of Parliaments in *England* plead for his admittance, the Kings ſucceſſive commands, command and confirm his admittance; Away then Sericant, and with the hazarding power of our Mace touch the Marſhals gates,, and (as if there were Divinity in it) they will open and bring us our Olive branch of peace, wreſted from our ſtock, that with welcome Art we may ingraft him to be nourithed by a common root. Thus the King ſhall receive the benefit of an able ſubject, who is otherwiſe, *civiliter mortuus*, we enjoy the participation of his labour, and poſterity, both ours and this.

CAPTAINE *AVDLEY MERVINS* Speech to the Lords in the Upper house in the Parliament *March* 4°. 1640.

Concerning the impeachment of Sir *Richard Bolton* Knight, Lord Chancellor of *Ireland*; *Iohn* Lord Bishop of *Derry*, Sir *Gerrard Lowther* Lord Chief Justice of the *Common Pleas*, and Sir *George Ratcliffe* Knight, with high Treason by the Knights, Citizens, and Burgesses of the Commons House.

My Lords;

I Am commanded by the Knights, Citizens, and Burgesses of the Commons House to present unto you *Irelands* Tragedie, the gray headed Common Lawes funerall, and the Active Statutes death and obsequies; this dejected spectacle answers but the prefiguring Type of *Cæsars* murther, wounded to the death in the Senate; And by *Brutus* his bosome friend, our *Cæsars* image by reflexion, even the fundamentall Lawes and Statutes of this Kingdome, the sole means by which our estates are confirmed, our liberties preserved, our lives secured, are wound to death in the Senate, I mean in the Courts of Justice, and by *Brutus* too, even by those persons

sons that have received their beings and subsistance from them, so that here enters those inseparable first Twins, Treason, and Ingratitude.

In a plain phrase (My Lords) I tender unto you Treason, High Treason; such a Treason that wants nothing but words to expresse it.

To counterfeit the Kings Seale, to counterfeit the Kings money it is Treason; but this dyes with the individuall partie.

To betray a Fort is Treason, but it dies with a few men.

To betray an Army is a Treason, but it dyes with a limited number, which may be reinforced again by politique industry.

To blow up both Houses of Parlament is Treason, but succeeding ages may replant Branches by a fruitfull posterity; but this High Treason which I do move in the name of the Houses of Commons, charge and impeach Sir *Richard Bolton* Knight, Lord Chancellour of *Ireland*, and Sir *Gerard Lowther* Knight, Lord Chief Iustice of the Common Pleas, *John* Lord Bishop of *Derry*, Sir *George Ratcliffe* Knight; is in its nature so far transcending any of the former that the rest seem to be but petty Larcenies in respect of this.

What is it to subvert the fundamentall Lawes of this Kingdome, (High Treason?)

What is it with a contumacious malice to trample under feet the rich legacies of our forefathers purchased with sweat and expence, I mean the Statute lawes, what is it but High Treason?

What is it through an Innate Antipathie to the publick good to incarcerate the liberty of the Subject under the Iron and weighty chains of an arbitrary Government (High Treason?) What is it (since his Majestie the most amiable and delightful portraiture of flourishing and indulgent Iustice to his Subjects) to present him personated in their extrajudiciall censures and judgements;

ments; but to poſſeſſe (if poſſible) the hearts of his loyall Subjects of this Kingdome: That he is a bloody and devowring Tyrant, and to provoke their never dying alleageance into a fatall and deſperate Rebellion.

What is it to violate the ſacred Graunts of many of his Majeſties Progenitors Kings and Queenes of *England* confirmed under the broad Seale, being the publique faith of this Kingdome by an extrajudiciall breath grounded upon no record?

What is it to inſent a ſurreptitious clauſe forged by ſome ſervile brain in the preamble of our laſt Act of Subſidies by which the Kings moſt excellent Majeſty, and the Earl of *Stafford* are placed in one and the ſame ſphear, allowing them but equall influencies to nouriſh the alleageance of this Kingdome, what is this but to extoll other then Regall Authority, and to crucifie the Majeſtie of our moſt gracious Soveraign betwixt the two Theeves of Government, Tyranny and Treaſon.

My Lords, having ſuch a full and laſting Gale to drive me into the depth of theſe accuſations, I cannot hereby ſteere and confine my courſe within the compaſſe of patience, ſince I read in the firſt volumes of their browes, the leaſt of theſe to be the certain ruine of the Subject, and if prov'd, a moſt favorable Prologue to uſher in the Tragedie of the Actors, Councellers and Abetters herein.

What was then the firſt and main queſtion, it was the ſubvertion of the fundamentall Lawes of this Kingdome, let then *magna Charta* that lies proſtrated, beſmeared and groveling in her own gore, diſcount her wounds as ſo many pregnant and undeniable proofs, mark the Epethite *Magna κατ' ἐξοχὴν* confirmed by 30. Parliaments in the ſucceſſion of eight Kings, the violation of which hath ſeverall times ingaged the Kingdome of England in a voluntary ſacrifice: a Charter which impoſeth that pleaſant and welbecomming oath upon all Soveraignitie, to vindicate and preſerve the Immunitie thereof; before the

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Crown incircle their Royall Temples in this oath of ſo high conſequence and generall intereſt his Majeſty doth in a manner levie a fine to his Subjects uſe for avoiding all fraudulent conveyances in the Adminiſtration of Juſtice. And this oath is tranſplanted unto the Judges as the Feoffees in truſt, appointed between his Majeſtie and the Subject, and ſealed by his Majeſties provident care with that imphatical l penalty, that their eſtates and lives ſhall be in the Kings mercy upon the violation of the ſame, either in whole or in part, neither hath the deſerved puniſhment for the breach of this oath enacted as *fulgura ex vitrio*, or as bugbears to inforce the obedience of Children; no my Lords, the juſt execution of it upon their Predeceſſors though in breaches not ſo capitall, might have warned them to have ſtrangled their ill born reſolutions in the Cradle, before they now proclaim their infancie and petition for their puniſhment. Witneſſe *Sir Thomas Weyland* his baniſhment, confiſcation of his goods and lands only for his mercenarie Juſtice contrary to his oath, who was Chief Juſtice of the *Common Pleas* in the time of *Edward* the firſt. Witneſſ: Sir *William Thorpe*, Cheif Iuſtice of the *Kings Bench*, in the time of *Edward* the third, who was adjudged to be hanged, becauſe he had broken the Kings oath made unto the people wherewith he was intruſted in the Roll.

Now my Lords, though *Magna Charta* be ſacred for antiquity, though its confirmation be ſtrengthned by oath, though it be the proper Dictionarie that expounds *meum & tuum*, and aſſignes a Subiect his birth right; yet it only ſurvives in the Rolls, but now miſerable rent and torn in the practice.

Theſe words *Salvo contenemento*, live in the Rolls, but they are dead in the Caſtle Chamber.

Theſe words; *Nullus liber hujus ejicitur è libero ſuo tenemento, in præjudicium pariũ*, live in the Rolls, but they are dead where property and free-hold are determi-

ned by paper Petitions.

These words; *Nulli vendemus, nulli differemus Justitiam*, live in the Rolls, but they are dead when the Suites, Iudgements, and execution of the Subiect are wittingly and illegally suspended, retarded and avoyded.

Shall we desire to search the mortall wounds inflicted upon the Statute Lawes, who sees them not lying upon their death bed stab'd with Proclamations, their primitive and genuine tenures escheated by Acts of State, and strangled by *Monoplies*.

Will you surveigh the liberties of the Subiects, every prison spues out illegall attachments and commitments, every Pillory is dyed with the forced bloud of the Subiects, and hath ears, though not to hear, yet to witnesse this complaint.

Do you doubt of the defacement of the amiable Offices of his Maiesties most transplendent and renowned Iustice, and grace, let then that *Microcosme* of Letters Patents confirmed under his Maiesties and his Predecessors broad Seale of the Kingdome, being the publique faith thereof, and yet unchristened by frivolous and private opinions, rise up in iudgement, let the abortive Iudgement of the tenure *in Capite*, where no tenure was expreſt, nay let the Hereticall and Traiterous opinions where the Tenure was expreſt, yet to draw in all by Markets and Faires granted in the same Patents rise up in Iudgements. What glasse hath this unhappy divided Kingdome from his Maiesties presence and audience, to contemplate the fair and ravishing form of his royall intentions in, but in the cleer and diaphanous administration of his Iustice, and what do these traytrous and illegall practise ayme at but in affront to his Maiesty (which we most tenderly resent) and discontent to his Subiects, to multiply as by a Magick glasse the royall dispensation of his favours into the ugly and deformed visage of their suppression of the liberties, devastations of the estates, and

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the deprivation of the lives of his loyall Subiects, ſo that it may be ſayd; *Regali Capiti cervicem conſul equinam Jungere ſic velles variſque inducere plumas.*

My Lords, theſe ought to be conndered with as ſerious an eare, as they were practiſed by miſchievous experiments.

Inquire of the *Netherlands* why their fields are growne fertile, by the inundation of bloud, why the penſive Matrons ſolemnize too too frequent funeralls of their Huſbands and iſſue, and they will anſwer you it was for the preſervation of their hereditary Lawes, which Tyranny would have innovated.

This Kingdome perſonated in the ſable habit of a widdow with diſhelved hayrs ſeems to Petition your Lordſhips, that ſince ſhe is a Mother to moſt of us, yet certainly a Nurſe unto us all, that you would make ſome other for redreſſe of her Tyrannicall oppreſſion.

Theſe perſons impeached, reſemble the *opacious* body of the earth interpoſed to eclipſe that light and vigour, which the *ſolar* aſpect of Maieſty would communicate unto his Subiects.

They imitate the fiſh *Sepia*, that vomits a darke liquor out of her mouth to cloud the waters for her ſecurer eſcape.

They are thoſe to whom the keyes have been committed, yet they have barred the door to them that knoc't.

They are thoſe unnaturall Parents, that give their children ſtones, in ſtead of bread, and ſcorpions for fiſh. Was it for this purpoſe that the royall authority ſcituated them in theſe eminent places, that like Beacons upon high Hills, they ſhould diſcover and proclaim each innovation and ſtratagem againſt the publique weale; whileſt they in the mean time imploy therein fire to publique Incendiary, or, like *Ignes fatui*, ſeduce the eaſie and beleeving Traveller into pits and unexpected Myres?

Were they ſworne to ſeale their damnation, and not

their confirmation of our libertie, estates, and lives? Shall a man be censured for *perjury*, in that breach of his private Faith, and those be justifiable in Treason, aggravated by *perjury* against the dignity of the Crownes, and publique faith of the Kingdomes? No my Lords, the grave, judicious, and mature examination, and deserved punishment of these traiterous proceedings, will speak these times as glorious to posterity in their information, as they are now lamented in their persecution.

The bloud-thirsting sword of an hostile enemy, by a timely union, and a defensive preparation may be prevented.

The thin rib'd Carcasse of an universall famine, may have his consumption restored by a supply from our neighbouring Nations.

The quick spreading venome of infectious pestilence may be prevented by Antidotes, and qualified by phisicall remedies. But this Catholick grievance, like a snake in the most verdant walks, (for such are the unblemished lawes truly practised) stings us to death, when we are most secure; and like the Kings evill, can only be cured by his Majesties free and gracious permission of our modest and gentle proceedings, for his vindication and our preservation therein concluded.

Spencer, and *Gamston* who have left their names monumentally odious for the evill counsell they fed the Kings ear with, yet did possibly advantage their own friends, while these dart their envie and Treason for a common Center, equally touching the bounds of every superficies: for as concerning the valide estates they have illegally overthrown, when the Lawes by your Lordships industry receive their native vigour, they will re-assume their confirmation: but the estates happily in themselves legall, that they have in an extrajudiciall forme established, will haste as speedily to their dissolution, so that *Judas*-like they betray their best friends with a kisse.

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My Lords, I cannot finde any ſurviving *Cronologie* of times, this ſeaſon to be paralleld with all circumſtances, which makes me view the Records amongſt the infernall ſpirits to finde, if match't there I might extenuate their facts: where 1. they appear like the falſe ſpirit ſent into the mouth of the Prophet to *Ahab* to ſpeak deluſions to ſubvert the hoſt of God.

The moſt vehement and trayterous encounter of Sathan, is lively deciphered in the true example of *Job*: where firſt, I obſerve the diſmologie, he overthrowes not *Jobs Magna Charta*, he diſſeizes him not of his inheritance, nor diſpoſſeſſes him of his Leaſes; but only diſrobes him of ſome part of his perſonall eſtate: when he proceeds to infringe *Jobs* liberty, he doth not pillorie him, nor cut off his ears, nor bore him through the tongue; he only ſpots him with ſome ulcers; here *Sathan* ſtains, when theſe perſons by their *traiterous combinations*, envie the very bloud that runs unſpilt in our veines; and by obtruding bloody Acts, damn'd in the laſt Parliament, will give *Sathan ſize ace*, and the Dice at *Iriſh*, in inthralling the lives of the Subjects by their *arbitrary Judicature*.

I would not my Lords be underſtood to impute to the Judges, and infallibilitie of error: *nor in impeaching theſe, to traduce thoſe, whoſe candor and integrity, ſhine with more admired luſtre, then their white furres*, who like trophees of virgin-juſtice, ſtood fixt and unmov'd in the *rapid torrent of the times*, while theſe like ſtrawes and chips plai'd in the ſtreams, untill they are devolv'd in the Ocean of their deſerved ruine.

No my Lords, *humanum eſt errare*, and the Law allowes *Writs of Error*, and arreſt of Judgement: but where there is *craſſa ignorantia* againſt their Oath, againſt the Fundamentall, Elementary, and known Lawes of the Kingdome: Nay (my Lords where it is rather *præmeditata malitia*, where there is an emulating policie

who should raze and embeſell the Records in the practique, that are for the tender preſervation of our liberties, eſtates, and lives, ſeeking only to be glorious in a nationall deſtruction, as if their ſafety were only involved in our ruine, there I have command to pitty, but not excuſe them.

To kill a Judge, *quatenus* a Judge, is not Treaſon, but to kill a Judge ſitting in the place of Iudicature, is Treaſon; not for that the Law intends it out of any malice againſt the party, but for the malice againſt the Law: where then can an intenſive, or an extenſive malice be expreſt or implyed againſt the Law, then the practicall dialect of theſe perſons impeach't, ſpeaks with a known and crying accent.

The *Benjamites* ſlang ſtones with their left hands, yet they would not miſſe a hairs breadth; theſe extrajudiciall proceedings are ſlung with the left, I meane they are ſiniſtrious, and imprint their blacke and blew marks, more certaine, and more fatall; for that they may ſay, *Quæ regio in terris noſtri non plena laboris?* Though theſe things be familiar unto us, yet I cannot but admire how this unproportionable body of Iudicatur: ſhould ſwell up into ſuch a vaſt and ulcerous dimenſion, but why ſhould I conſidering this excentrick motion of the body of the Law had his birth obſcure, reſembling the tares that were ſowed in the night time, but here is the difference; they were ſowne by the enemy in the abſence of the *Maſter: but theſe are ſowne by the Grand-maſters themſelves, purpoſely to overtop and choak the expected Harveſt.*

Innovations in Law, and conſequently in government, creep in like hereſies in Religion, ſlily and ſlowly, pleading it the end a ſawcy and uſurp't legitimacy, by uncontrol'd preſcription.

My Lords, this is the firſt ſitting, and I have onely chalked out this deformed body of high Treaſon: I have

not

not drawn it at length, leaſt it might fright you from the further view thereof: In concluſion, it is the humble deſire of the Commons, that the parties impeached, may be ſecured in their perſons, ſequeſtred from this Houſe, from the Counſell Table, and all places of Iudicature, as being *Civiliter mortui*; that they may put in their anſwers to the Articles ready now to be exhibited againſt them: and that all ſuch further proceedings may be ſecretly expedited, as may be ſutable to Iuſtice, and the precedents of Parliaments, ſo his Majeſty may appeare in his triumphant goodneſſe, and indulgency to his people: and his people may be raviſht in their dutifull and cheerefull obedience, and loyalty to his Maieſty: your Lordſhips may live in Records to Poſterity, as the inſtrumentall reformers of thoſe corrupted times, and that the Kingdome and Common-wealth may pay an amiable ſacrifice in *retribution*, and acknowledgement of his Maieſties multiplyed providence for our preſervation herein.

Articles

Articles of the Knights, Citizens, and Burgesses in the Parliament assembled, against Sir *Ric: Bolton*, K^t. Lord Chancellor of *Ireland*, *John*, Lord B. of *Derry*, and Sir *Gerard Lowther* K^t. L. Chief Justice of his Majesties Court of Common-Pleas, and Sir *George Radcliffe*, K^t. in maintenance of the accusation, whereby they, and every of them, stand charged with high Treason.

FIrst, that they the said Sir *Richard Bolton*, Knight, Lord Chancellor of *Ireland*, *John*, L. Bishop of *Derry*, Sir *Ger. Lowther*, K^t. Lord Chief Justice of his Majesties Court of Common-Pleas, and Sir *George Radcliffe*, Knight, intending the destruction of the Common-wealth of this Realm, have trayterously confederated and conspired together, to subvert the Fundamentall Laws and Government of this Kingdom, and in pursuance thereof, they and every of them, have trayterously contrived, introduced, and exercised an arbitrary and tyrannicall Government against Law, thorowout this Kingdom, by the countenance and assistance of *Thomas*, Earl of *Strafford*, then chief Governour of this Kingdom.

II.

That they and every of them, the said Sir *Richard Bolton*, K^t. L. Chancellor of *Ireland*, *John*, L. Bishop of *Derry*, Sir *Gerard Lowther*, K^t. L. chief Justice of the Common Pleas, and Sir *George Radcliffe*, K^t. have trayterously assumed to themselves, and every one of them, regall power over the goods, persons, lands, and liberties of his Majesties

jesties Subjects in this Realm; and likewise have maliciously, perfidiously, and trayterously given, declared, pronounced, and published, many false, unjust, and erroneous opinions, Judgements, Sentences, and Decrees, in extrajudiciall manner against Law, and have *perpetrated, practised, and done many other trayterous and unlawfull acts and things, whereby as well divers mutinies, seditions, and rebellions have been raised, as also many thousands of his Majesties liege people of this Kingdom, have been ruined in their goods, lands, liberties, and lives, and many of them being of good quality and reputation, have been utterly defamed by Pillory, mutilation of members, and other infamous punishments:* By means whereof his Majesty and the Kingdom have been deprived of their service in Juries, and other publike imployments, and the generall trade and traffique of this Island for the most part destroyed, and his Majesty highly damnified in his customes and other revenues.

III.

That they the said Sir *Rich. Bolton*, *John*, L. B. of *Derry*. Sir *Ger. Lowther*, K^t. and Sir *G. Radcliffe*, and every of them, the better to preserve themselves, and the said Earl of *Strafford*, in these and other trayterous courses, have laboured to subvert the rights of Parliament, and the ancient course of Parliamentary proceedings: all which offences were contrived, committed, perpetrated, and done at such time, as the said Sir *Richard Bolton*, Sir *Gerard Lowther*, and Sir *George Radcliffe*, Knights, were privy Counsellors of State within this Kingdom, and against their and every of their oathes of the same, at such times as the said Sir *R. Bolton*, K^t. was Lord Chancellor of *Ireland*, or chief Baron of his Majesties Court of Exchequer, within this Kingdom, and Sir *Gerard Lowther*, Knight, was Lord chief Justice of the said Court of Common Pleas, and against their Oathes of the same, and at such time as the said *John*, L. Bishop of *Derry*, was actuall Bishop of *Derry*, within this Kingdom, and were done and speciated con-

trary to their and every of their allegiance, severall and respective oathes taken in that behalf.

IV.

For which the said Knights, Citizens and Burgesses, do impeach the said Sir *Richard Bolton*, Lord Chancellor of Ireland, *John*, L. B. of *Derry*, Sir *Gerard Lowther*, K^t. L. chief Justice of his Majesties said Court of Common Pleas, and Sir *George Radcliffe*, K^t. aforesaid, and every of them of high Treason, against our Soveraign Lord the King, his Crown and Dignity.

The said Knights, Citizens, and Burgesses, by Protestation, saving to themselves the liberty of exhibiting at any time hereafter, any accusation or impeachment against the said Sir *Rich. Bolton*, *John*, L. Bishop of Derry, Sir *Gerard Lowther*, and Sir *George Radcliffe* aforesaid, and every of them, and also of replying to them, and every of their answers, which they and every of them, shall make to the said Articles, or any of them, and of offering proof also of the premisses, or of any other impeachment, or accusation, as shall be by them exhibited; as the case shall according to the course of Parliament require.

And the said Knights, Citizens, and Burgesses do pray, that the said Sir *Richard Bolton*, Knight, Lord Chancellor of Ireland, *John*, Lord Bishop of Derry, Sir *Gerard Lowther*, Knight, Lord chief Justice of his Majesties said Court of Common Pleas, and Sir *George Radcliffe*, Knight, and every of them, be put to answer to all and every of the premisses, and that all such *Proceedings*, *Examinations*, *Triall*, and *Judgement*, may be upon them and every of them, had and used, as is agreeable to Law and Justice.

Copia vera.

Signed,

PHILIP PHERNESLY,
Cler. Parliamenti.

Sir

Sir *Thomas Wentworths* ſpeech,

XXij^d *Martij*, 1627.

MAy this dayes reſolution be as happy, as I conceive the propoſition (which now moves me to riſe) is ſeaſonable and neceſſary, for whether we ſhall look upon the King or the people, it did never more behove this great Phyſitian the Parliament, to effect a true conſent towards the parties then now; This debate carryes with it, a double aſpect, towards the Soveraign, towards the Subject, though both innocent, both injured, both to be cured.

In the repreſentation of injuries, I ſhall crave your attention in the Cures; I ſhall beſeech your equall cares, and better judgements (ſurely in the greateſt humility, I ſpeak it) theſe illegall wales are marks and puniſhments of indignation.

The raiſing of Leavies ſtrengthned by Commiſſion, with unheard of inſtructions, the billetting of Souldiers by Lieverenants without leave, have been, as if they could have perſwaded Chriſtian Princes (nay Worlds) the right of Empire had been to take away by ſtrong hand; and they have endeavoured, as far as was poſſible for them to do it.

This hath not been done by the King (under the pleaſing ſhade of whoſe Crown I hope we ſhall ever gather the fruits of Juſtice) but by Projectors. They have extended the prerogative of the King, beyond the juſt Center, which was the ſweet harmony of the whole.

They have rent from us the light of our eyes, inforced a company of Gueſts, worſe than the Ordinaries of

France, vitiated our wives and daughters before our faces, brought the Crown to greater want than ever it was, by anticipating the Revenue, and can the Shephard be thus smitten, and the flock not scattered?

They have introduced a Privie Counsell ravishing at once the Spheers of all ancient government, imprisoning us without Bail or Bond. They have taken from us what shall I say (indeed what have they left us) all mean of supplying the King, and ingratiating our selves with him, taking up the roots of all propriety, which if it be not seasonably set into the ground by his Maiesties hand, we shall have instead of beauty, baldnesse.

To the making of them whole I shall apply my self, and propound a remedy, to all these diseases, by one and the same thing hath the King and people been hurt, and by the same must they be cured, to vindicate what? New things? No. Our ancient, sober, vitall liberties, by reinforcing of the ancient Lawes made by our Ancestors, by setting such a Character upon them, as no licentious spirit shall dare hereafter to enter upon them. And shall we thinke this away to break a Parliament? No. Our desires are modest and iust, I speak truly, both for the interest of the King and People. If we enioy not those, it will be impossible to relieve him; Therefore let us never fear that they shall not be accepted by his goodnesse.

Wherefore I shall descend to my motions, which conconsists of four parts, two of which have relation to the persons two to the propriety of goods, for the persons, the freedome of them from imprisoning.

Secondly from employments abroad, contrary to the ancient customes for our goods, that no leavies may be made but in Parliament. Secondly, no billetting of Souldiers: It is most necessary, that these be resolved, that the Subiects may be secured in both.

Then for the manner in the second place, it will be fit to determine it by a Grand Committee.

SIR

Sir *Thomas Wentworths* Speech 21. of *Aprill*, Anno, 1628.

Right wiſe, Right worthy:

TOo many inſtigations importune the ſequell of my words; Firſt, the equitie of your proceedings. Secondly, the honeſty of my requeſt, for I behold in all your intendments a ſingularity grounded upon diſcretion and goodneſſe, and your conſultations ſteered as well by Charity as extremity of juſtice.

This order and method I ſay of your proceedings, together with the importunity offered of the Subject in hand, have emboldned me to ſolicite an extenſion of the late granted protections in generall. The lawfulneſſe and honeſty of the propoſitions depends upon theſe two particulars.

I. The preſent troubles of the parties protected, having run themſelves into a further and almoſt irrecoverable hazards, by preſuming upon, and feeding themſelves with the hopes of a long continuing Parliament.

II. Let the ſecond be this conſequence; That that which is prejudiciall to moſt, ought to miniſter matter of advantage to the reſt; ſith then our interpellations and diſturbances amongſt our ſelves are diſpleaſing almoſt to all, if any benefit may be collected, let it fall upon thoſe, for I think the breach of our Seſſion can befriend none but ſuch, nor ſuch neither, but by means of the grant before hand. And becauſe it is probable, that his Majeſty may cauſe a Remeeting this next *Michaelmas*, Let thither alſo reach their preſcribed time for liberty. And that till then their protections ſhall remain in as full vertue and authority, as if the Parliament were actually ſitting.

To the Right Honorable, the Lord Deputie.

SHewing that in all ages past, since the happy subiection of this Kingdome, to the imperiall Crown of *England*; it was and is a principall study, and Princely care of his Maiesty, and his most Noble Progenitors, Kings and Queens of *England*, and *Ireland*, to the vast expence of Treasure and blood, that their loyall and dutifull people of this land of *Ireland*, being now for the most part derived from the *Britisb Ancestor*, should be governed according to the municipiall and fundamentall lawes of *England*, that the Statute of *Magna Charta*, or the great *Charter* for the liberties of *England*, and other laudable lawes and Statutes, were in severall Parliaments here enacted and declared, that by the means thereof, and of the most prudent and benigne government of his Maiestie and his royall Progenitors, this Kingdome was (until of late) in its growth to a flourishing estate, whereby the said people were heretofore enabled to answer their humble and naturall desires, to comply with his Maiesties Royall and Princely occasions, by the free gift of 150000 *l. ster.* and likewise by another gift of 120000 *l. ster.* more during the government of the *Lord Viscount Faulkland*, and after by the gift of 40000 *l.* and their free and chearfull gift of 6. *entire Subsidies*, in the 10. year of his Maiesties Reign, which to comply with his Maiesties then occasions signified to the then H. of Commons they did allow should amount in the collections unto 250000 *l.* although as they confidently beleeve, if the said Subsidies had not been levied in a moderate Parliamentary way, they would not have amounted to much

more

more than half the said sum, besides the four entire Subsidies, granted in this present Parliament. So it is, may it please your Lordship, that by the occasion of the ensuing and other grievances and innovations, though to his Majestie no considerable profit, this Kingdome is reduced to that extreme and universall poverty, that the same is now lesse able to pay a Subsidie, then it was heretofore to satisfie all the before recited great payments, and his Majesties most faithfull people of the same, do conceive great fears that the grievances and the consequences thereof may hereafter be drawn into precedents to be perpetuated upon their posterity, which in their great hopes and strong belief, they are perswaded is contrary to his Majesties Royall and Princely intention towards his said people, some of which said grievances, are as followeth.

I.

First, the generall and apparent decay of Trades, occasioned by the new and illegall raysing of the book of Rates and Impositions, as xii.d. a piece, custome for Hides bought for 3.4. or 5.s. and many other heavie Impositions upon native and other commodities exported and imported, by reason thereof and of the extream usage, and sensures, Marchants are beggered, and both disinabled and discouraged to trade; and some of the honorable persons who gain thereby, are often Judges, and parties, and that in conclusion his Majesties profit thereby is not considerably advanced.

II.

Secondly, the arbitrary decision of all civill causes and controversies, by paper petitions before the Lord *Lieutenant*, and *Lord Deputy*, and infinite other Iudicators upon references from them derived in the nature of all actions, determinable at the Common-law, not limited unto certain times, seasons, causes, and things whatsoever, and the consequence of such proceedings, by receiving immoderate and unlawfull fees by *Secretaries*, *Clerkes*, *Pursivants*,

ſivants, Serjants at Armes, and otherwiſe, by which kinde of proceedings, his Majeſty loſeth a conſiderable part of his Revenue, upon originall writs, and otherwiſe; and the Subject loſeth the benefit of his writ of error, Bill of reverſall, vouchers, and other legall and juſt advantages, and the ordinary courſe and Courts of Juſtice declined.

III.

Thirdly, the proceedings in civill cauſes at the Councell boord, contrary to the law and great *Charter*, and not mitted to any certain time or ſeaſon.

IV.

Fourthly, that the Subject is in all the materiall parts thereof, denyed the benefit of the principall graces, and more eſpecially of the Statute of Limitations, of the 21. *Jac.* granted by his Majeſty in the 4. year of this Reign, upon great advice of the Counſell of *England*, and *Ireland*, and for great conſideration; and then publiſhed in all the Courts of *Dublin*, and in all the Courts of this Kingdome in open Aſſizes, whereby all perſons do take notice, that contrary to his Majeſties pious intention, his Subiects of this Land have not enioyed the benefit of his Maieſties Princely promiſe thereby made.

V.

Fifthly, the extraiudiciall avoyding of Letters Patents of eſtates of a very great part of his Maieſties Subiects under the great Seale (the publique faith of the Kingdome) by private opinions delivered at Councell Boord, without legall Evictions of their eſtates, contrary to the Law and without precedent or example of any former age.

VI.

Sixtly, the Proclamation for the ſole exemption and uttering of *Tobacco*, which is bought at very low Rates, and uttered at high and exceſſive Rates, by means whereof thouſands of Families within this Kingdome and of his Maieſties ſubiects in ſeverall Iſlands, and other parts of the

the *West Indies* (as your Petitioners are informed) are destroyed, and the most part of the Coyne of this Kingdome is ingrossed into particular hands: Insomuch that your Petitioners do conceive that the profit arising and ingrossed thereby, doth surmount his Majesties Revenues certaine and casuall within this Kingdome, and yet his Majestie receiveth but very little profit by the same.

VII.

Seventhly, the unusuall and unlawfull increasing of *Monopolies* to the advantage of few, to the disprofit of his Majesty, and the impoverishment of his people.

VIII.

Eighthly, the extream and cruell usage of certain late Commissioners and other, towards the *British* Farmers and Inhabitants of the City and County of *London-derry*, by meanes whereof the worthy plantation of that Country is almost destroyed, and the Inhabitants are reduced to great poverty, and many of them forced to forsake the Country, the same being the first and most usefull Plantation in the large Province of *Ulster*, to the great weakning of the Kingdome, in this time of danger, the sayd Plantation being the principall strength of those parts.

IX.

Ninthly, the late erection of the Court of high Commission for causes Ecclesiasticall in these necessitous times, the proceedings of the sayd Court in many causes without legall warrant, and yet so supported as prohibitions have not been obtained, though legally sought for, and the excessive fees exacted by the ministers thereof, and the incroaching of the same upon the Iurisdiction of other Ecclesiasticall Courts of this Kingdome.

X.

Tenthly, the exorbitant and Barbarous Fees and pretended Customes exacted by the Clergie against the Law, some of which have beene formerly represented to your Lordships.

XI.

Eleventhly, the Petitioners do moſt heartily bemone that his Maieſties ſervices and profits are much more impaired than advanced by the grievances aforeſaid. And the Subſidies granted in the laſt Parliament having much increaſed his Maieſties Revenue by the buying in of Grants, and otherwiſe, and that all his Maieſties debts then due in this Kingdome were ſatisfied out of the ſayd Subſidies, and yet his Maieſty is of late (as your Petitioners have beene inform'd) in the Houſe of Commons become indebted in this Kingdome in great ſums, and they do therefore humbly beſeech that an exact account may be ſent to his Maieſty, how and in what manner his treaſure iſſued.

XII.

Twelfthly, the Petitioners do humbly conceive great and iuſt feare, at a Proclamation publiſhed in this Kingdome in *Anno Dom.* 1635. prohibiting men of quality or eſtate for to depart this Kingdome into *England*, without the Lord Deputies Licenſe, whereby the Subiects of this Kingdome are hindered and interrupted from free acceſſe and addreſſe to his ſacred Maieſty and Privie Counſell of *England*, to declare their iuſt grievances, or to obtaine remedie for them, in ſuch ſort as their Anceſtors have done in all ages, ſince the Reigne of King *Henry* the ſecond, and great Fees exacted for every of the ſaid Licenſes.

XIII.

Thirteenthly, that of late his Maieſties late Attourny-generall hath exhibited informations againſt many ancient Burroughs of this Kingdome into his Maieſties Court of Exchequer, to ſhew by what warrant the ſayd Burroughes, who heretofore ſent Burgeſſes to the Parliament, ſhould ſend the ſayd Burgeſſes to the Parliament. And thereupon for want of an anſwer, the ſayd Privi-

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ledge of ſending Burgeſſes was ſeized by the ſayd Court, which proceedings were altogether *Coram non Judice*, and contrary to the Lawes and Priviledges of the Houſe of Parliament (and if way ſhould be given thereunto) might tend to the ſubverſion of Parliaments, and by conſequence to the ruine and deſtruction of the Common-wealth, and that the Houſe of Commons hath hitherto in this preſent Parliament bin deprived of the advice and Counſell of many profitable and good members by means thereof.

XIV.

Fourteenthly, that by the powerfulneſſe of ſome miniſters of State in this Kingdome, the Parliament in its members and actions hath not his naturall freedome.

XV.

Fifteenthly, that the fees taken in all the Courts of Iuſtice in this Kingdome, both Eccleſiaſticall, and Civill, and by other inferiour Officers and Miniſters, are ſo immoderately high, that it is an unſpeakable burthen to all his Maieſties Subiects of this, who are not able to ſubſiſt, except the ſame be ſpeedily remedied and reduced to ſuch a moderation as may ſtand with the condition of this Realme.

And laſtly, That the Gentry, Merchants, and other his Maieſties Subiects of this Kingdome, are of late by the grievances and preſſures aforeſayd and other the like, very neere to ruine and deſtruction. And Farmers of Cuſtomes, Cuſtomers, Waiters, Searchers, Clearks of unwarrentable proceedings, Purſevants, and Gaolers, and ſundry others very much inriched, whereby, and by the ſlow redreſſe of the Petitioners grievances, his Maieſties moſt faithfull and dutifull people of this Kingdome, do conceive great feares that their readineſſe approved upon all occaſions, hath not been of late righaly repreſented to his Maieſty.

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Fifteenthly, that the fees taken in all the Courts of Iuſtice in this Kingdome, both Eccleſiaſticall, and Civill, and by other inferiour Officers and Miniſters, are ſo immoderately high, that it is an unſpeakable burthen to all his Maieſties Subiects of this, who are not able to ſubſiſt, except the ſame be ſpeedily remedied and reduced to ſuch a moderation as may ſtand with the condition of this Realme.

And laſtly, That the Gentry, Merchants, and other his Maieſties Subiects of this Kingdome, are of late by the grievances and preſſures aforeſayd and other the like, very neere to ruine and deſtruction. And Farmers of Cuſtomes, Cuſtomers, Waiters, Searchers, Clearks of unwarrentable proceedings, Purſevants, and Gaolers, and ſundry others very much inriched, whereby, and by the ſlow redreſſe of the Petitioners grievances, his Maieſties moſt faithfull and dutifull people of this Kingdome, do conceive great feares that their readineſſe approved upon all occaſions, hath not been of late rightly repreſented to his Maieſty.

For Remedy whereof, the ſaid Petitioners do humbly and of Right beſeech your Lordſhip, that the grievances and preſſures may be ſpeedily redreſſed. And if your Lordſhip ſhall not think fit to afford us preſent relief therein, that your Lordſhip may admit a ſelect Committee of this Houſe of perſons unintereſſed in the benefit ariſing, the aforeſaid grievances to be licenſed by your Lordſhip, to repaire to his ſacred Majeſty in *England* for to purſue the ſame, and to obtain fitting Remedies for their aforeſaid and other iuſt grievances and oppreſſions, and upon all iuſt and honorable occaſions, they will without reſpect of particular intereſt or profit to be raiſed thereby, moſt humbly and readily in Parliament, extend their utmoſt indeavours to ſerve his Majeſty, and comply with his Royall and Princely occaſions,

And ſhall pray, &c.

A Speech againſt the Judges, *per Ignotum quendam.*

Mr. Speaker,

IT was a cuſtome among the *Romans* (who as by their power they once gave laws, ſo by the happy ſucceſſe of their long flouriſhing Government, might they well give examples to all the world) that in their Senates the yongeſt men ſpake firſt: partly that they might not have their weaker notions anticipated by the more knowing Senators. And partly that the Senate might not be diverted from the mature reſolutions of the more ancient by the interpoſition of the younger men; They as all free States ever allowing free members to expreſſe themſelves according to their ſeverall capacities. And me thinks

thinks 'twas a happy Method. So your opinions and inclinations of the Assembly, being discovered and ripened to resolution by such gradations, the sentences of the Sages sounded as Judgements, not orations, their wisedome and gravity put a seasonable Period to others, perhaps otherwise endlesse discourses.

Their precedent encourges me (who worst may) to break the Ice: Children can lay their fingers on the Sore, point out their pain; and Infant Graduates in Parliament, may groan out the grievances of a diseased Commonwealth, but they must be Doctors in the Art of Government that can apply apt remedies to recover it.

Mr. *Speaker*, Ancient and approved hath been that parallell of the body politique with the body naturall: 'Tis the part of their Patients in either distempered, to impart freely their griefs to the Physitians of the body or state, if they expect a cure.

This Common-wealth is (or should be) but one body. This house, the great Physitian of all our maladies, and alas, Mr. *Speaker*, of what afflicted part shall we poor Patients complain first? Or rather of what shall we not complain?

Are we not heart-sick? Is there in us that which God requires, unity, purity, and singularity of heart? Nay is not Religion (the soul of this body) so miserably distracted, that, I speak it with terrour of heart, 'tis to be feared, there is more confusion of religions amongst us, then there was of tongues at the subversion of *Babell*: And is it not then high time that we understand one another, that we were reduc'd to one *Faith*, one *Government*.

Sir, *Is the Head whole*: The seat of *Government* and *Justice*, the *Fountain* from whose sweet influence, all the inferiour members of this body should receive both vigour and motion: Nay, hath not rather a generall Apoplexy, or Palsie taken, o'shaken all our members? Are not some dead? Others buried quick? Some dismembred; all disor-

dered by the diverſion of the courſe of *Juſtice*.

Is the *Liver* (Natures Exchequer) open; from whoſe free diſtribution each limb may receive his proper Nutriment, or rather is it not wholly obſtructed? Our property taken from us? So that it may properly be ſaid of us, *Sic vos non vobis fertis aratra*, our Anceſtors drunk the juyce of their own Vines, reap'd and eat the fruit of their own harveſt. But now the poor mans Plough goes to furrow the Seas, to build Ships: we labour not for our ſelves but to feed the exceſſions of Nature, things grown up out of the ruines of the naturall members. *Monopolists*.

Sir, theſe are *Maxima vitalia*; Religion, Iuſtice, property; The Heart, the Head, the *Liver* of this great body, and theſe diſtempered or obſtructed, can the ſubordinate parts be free? No ſir, the truth is; all is ſo farre out of frame, that to lay open every particular grievance were to drive us into deſpair of cure; In ſo great confuſion where to begin firſt, requires not much leſſe care than what to apply.

Mr. *Speaker*, I know 'tis a plauſible motion to begin with ſetting Gods Houſe in order firſt: who preſſes that, moves with ſuch advantage, that he is ſure no man will gain-ſay him. 'Tis a welbecoming zeal to prefer Religion before our own affairs, and indeed 'tis a duty not to be omitted; where they are in equall danger: But in cure of the body, politique or naturall, we muſt prefer the moſt preſſing exigents.

Phyſitians know that Conſumptions, Dropſies, and ſuch like lingering diſeaſes are more mortall, more difficult to cure then ſlight externall wounds: yet if the leaſt Vein be cut, they muſt neglect their greater cures to ſtop that, which if neglected, muſt needs exhauſt the ſtock of nature, and produce a diſſolution of the whole man.

A Deſiction from the duties of our Religion is a Conſumption to any State, no foundation is firm that is not laid

laid in Christ.

The Deniall of Iustice, the abridgement of our liberties, is such an obstruction as renders the Common-wealth *Leprous*; *but the wounds* in our property lets out the life-blood of the people.

The Reformation of *Church-Government* must necessarily be a work of much time, and God be thanked the disease is not desperate; *We serve one God, we believe in one Christ, and we all acknowledge and professe one Gospel.* The difference is onely *de modo*, we vary but in Ceremonies to reduce which, to the Primitive Practice, must be a work of great debate, is not a work for us alone to settle.

The stop of Iustice can yet *injure* but particulars, *'Tis true, there may be many, too many instances of strange oppressions, great oppressors*, but 'twill be hard to judge the Conclusion. *Et sic de cæteris.*

But take from us the propriety of our estates, our subsistence, we are no more a people. This is that veyn which hath bin so deep cut, so farre exhaust, that to preserve our being, we must doubtlesse stop this current: Then settle *Rules* to live by, when we are sure to live.

Mr. *Speaker*, he that well weighes this little word Property, or propriety in our estates, will finde it of a large extent; The *Leeches* that have suckt this blood, have bin *Excise, Benevolences, Loans, Impositions, Monopolies, Military, Taxes, Ship-money* (*cum multis aliis*) all which spring from one Root.

And is it not high time to grub up that root that brings forth such fruit? Shall we first stand to lop the branches one by one, when we may down with all at once? He that to correct an evill tree, that brings forth bad fruit, shall begin at the master bough, and so lop downwards, is in danger to fall himself before the tree falls. The safer and speedier way is to begin at the root, and there, with submission to better judgements, would I lay the Axe

The Root of most of our present mischiefs, and the ruine

ine of all posterity, do I hold, to be that extraiudiciall (Iudgement I cannot say, but rather) doom, delivered by all the Iudges under their hands out of Court, yet recorded in all Courts, to the subversion of all our Fundamentall *Laws*, *Liberties*, and *Annihilation*, if not *Confiscation* of our estates. That in case of danger, the King may impose upon his subiects, and that he is the sole Iudge of the danger, necessity, and proportion, which in brief, is to take what, when, and where he will, which though delivered in the time of a gracious and mercifull Prince, who we hope will not wrest it beyond our abilities, yet left to the *Interpretation* of a succeeding Tyrant, if ever this Nation be so fortunate to fall into the hands of such; it is a Record wherein every man might reade himself a slave that reades it, having nothing he can call his own, all prostistute to the will of another.

What to do in such a case, we are not to seek for precedents, our Honorable Ancestors taught us in the just and exemplar punishments of chief *Iustice*, *Tresilian* and his Complices (for giving their *judgements* out of *Parliament* against the established *Laws* of *Parliament*) how tender they were of us, how carefull we ought to be to continue those Laws, to preserve the *Liberty* of our Posterity.

I am far from maligning the person, nor in my heart wish I the Execution of any man, but certainly it shall be a *Iustice* well becoming this House, to lay their Heads at his Maiesties mercy, who laid us under his feet, who had made us but tenants at will of our *Liberties* and Estates.

And though I cannot but approve of Mercy, as a great Vertue in any Prince, yet I heartily pray it may prove a Precedent as safe and usefull to this oppressed State, as that of Iustice.

Mr. *Speaker* blasted may that tongue be, that shall in the least degree derogate from the glory of those Halcyon dayes

dayes our fathers enjoyed, during the Government of that ever bleſſed, never to be fogot, Royall *Elizabeth*. But certainly I may ſafely ſay (without detraction) it was much advantage to the peace and proſperity of her Raign, that the great examples of *Empſon* and *Dudley* were then freſh in memory: The *Civility* of our *Laws* tell us, that Kings can do no wrong, and then is the State ſecure, when Judges (their Miniſters) dare do none. Since our times have found the want of ſuch examples, 'tis fit we leave ſome to poſterity. God forbid all ſhould be thought or found guilty, there are doubtleſſe ſome Ring-leaders, let us ſift them out. *In publique* Government to paſſe by the Nocent, is equall injuſtice, as to puniſh the *Innocent*. An omiſſion of that duty now, will be a guilt in us, render us ſham'd in Hiſtory, curſt by Poſterity, our gracious and (in that act of voluntary Juſtice) moſt glorious King, hath given up to the ſatisfaction of his afflicted People, the authors of their Ruines: the power of future preſervation is now in us. *Et qui non ſervat patriam, cum poteſt, idem facit deſtruenti patriam.*

What though we cannot reſtore the damage of the Common-wealth, we may yet repair the breaches in the bounds of Monarchy. Though it be with our loſſe and charge, we ſhall ſo leave our childrens children, fenced as with a wall of ſafety, by the reſtauration of our Laws, to their ancient vigor and luſtre.

'Tis too true, and 'tis to be feared, the Revenues of the Crown, ſold out-right, would ſcarce remunerat the iniuries, repay the loſſes of this ſuffering Nation, ſince the pronouncing of that fatall ſentence. What proportionable ſatisfaction then can this Common-wealth receive, in the puniſhment of a few inconſiderable Delinquents? But 'tis a *Rule* valid in Law, approved in equity, that *Qui non habent in crumen Luant in Corpore.* And 'tis without all queſtion in policy, exemplar puniſhments conduce more to the ſafety of a State, *than pecuniary reparations*;

Hope of impunity lulls every bad-great-officer into ſecurity for his time, and who would not venture to raiſe a Fortune, when the allurements of honour and wealth are ſo prevalent, if the worſt is can fall, be but Reſtitution.

We ſee the bad effects of this bold-erroneous opinion; what was at firſt but corrupt *Law*; by encouragement taken from their impunity, is ſince become falſe Doctrine, the people taught in Pulpits, they have no property, Kings inſtructed in that deſtructive principle, that all is theirs, and is thence deduc'd into neceſſary ſtate-policy, whiſpered in counſell, That he is no Monarch, who is bounded by any *Law*.

By which bad conſequences, the beſt of Kings, hath bin by the infuſion of ſuch poyſonous poſitions diverted from the ſweet inclinations of his own Naturall Equity and Juſtice, the very eſſence of a King taken from him, which is preſervation of his people: and whereas *Salus populi* is, or ſhould be, *Suprema Lex*, the power of undoing us, is maſqu'd under the ſtile of what ſhould be Sacred Royall Prerogative.

And is it not high time for us to make examples of the firſt authors of this, ſubverted *Law*, *bad Counſell*, *worſe Doctrine?*

Let no man think to divert us from the purſuit of Juſtice, by poyſoning the clear ſtreams of our affections, with jealous fears of his Majeſties Interruption, if we look too high. Shall we therefore doubt of Juſtice, becauſe we have need of great Juſtice? We may be confident the King well knows, That his Juſtice is the Band of our Allegiance: That 'tis the ſtaffe, the proof of his Soveraignty.

'Tis a happy aſſurance of his intentions of grace to us, that our loyalty hath at laſt won him to tender the ſafety of his people: and certainly (all our preſſures well weighed this 12 yeers laſt paſt) it will be found the paſſive loyalty of this ſuffering Nation, hath out-done the active duty of all Times and Stories. As the Poet hath it, *fortiter*

ille

ille facit, qui miſer eſſe poteſt: I may as properly ſay, *Fideliter fecimus*, we have done loyally to ſuffer ſo *patiently*.

Then ſince our Royall *Lord* hith in mercy viſited us, let us not doubt, but in his Juſtice he will redeem his people. *Qui timidè rogat docet negare.* But when Religion is innovated, our Liberties violated, our Fundamentall Laws abrogated, our modern Laws already obſoleted, the propriety of our Eſtates alienated. Nothing left us, we can call our own, but our miſery and our patience: if ever any Nation might juſtifiably, this certainly may now, now moſt properly, moſt ſeaſonably cry out, and cry aloud, *vel Sacra Regnet Juſtitia, vel Ruat Cœlum.*

Mr. *Speaker*, the ſumme of my humble motion, is, that a ſpeciall *Committee* may be appointed, to examine the whole carriage of that Extraiudiciall iudgement. Who were the Counſellors, Soliciters, and ſubſcribers to the ſame: the reaſons of their Subſcription, whether according to their opinions; by importunity or preſſure of others, whether *pro forma tantum.* And upon report thereof to draw up a charge againſt the guilty, and then *Lex Currat, Fiat Juſtitia.*

A brief Diſcourſe, concerning the power of the Peers and Commons of Parliament, in point of *Iudicature.*

SIR, to give you as ſhort an account of your deſires as I can, I muſt crave leave to lay you as a ground, the frame or firſt modell of this State.

When after the period of the Saxon time, *Harold* had lifted himſelf into the Royall Seat; the Great men, to whom but lately he was no more equall either in fortune

or power, disdaining this act, of arrogancy, called in *William*, then Duke of *Normandy*, a Prince more active than any in these Western parts, and renowned for many victories he had fortunately atchieved against the French King, then the most potent Monarch in Europe.

This Duke led along with him to this work of glory, many of the younger sons of the best families of *Normandy*, *Picardy*, and *Flanders*, who as undertakers, accompanied the undertaking of this fortunate man.

The Usurper slain, and the Crown by war gained, to secure certain to his posterity what he had so suddenly gotten, he shared out his purchase, retaining in each County a portion to support the Dignity Soveraign, which was styled *Demenia Regni*; now the ancient Demeans, and assigning to others his adventures such portions as suited to himself dependancy of their personall service, except such Lands as in free Almes were the portion of the Church, these were styled *Barones Regis*, the Kings immediate Freeholders, for the word *Baro* imported then no more.

As the King to these, so these to their followers subdivided part of their shares into Knights fees, and their Tenants were called *Barones Comites*, or the like; for we finde, as in the Kings Writ in their Writs *Baronibus suis & Francois & Anglois*, the Soveraigne gifts, for the most part extending to whole Counties or Hundreds, an Earl being Lord of the one, and a Baron of the inferiour donations to Lords of Town-ships or Mannors.

And thus the Land, so was all course of Iudicature divided, even from the meanest to the highest portion, each severall had his Court of Law, preserving still the Manner of our Ancestors the *Saxons*, who *jura per pagos reddebant*; and these are still tearmed Court-Barons, or the Freeholders Court, twelve usually in number, who with the *Thane* or chief Lord were Iudges.

The Hundred was next, where the *Hundredus* or *Aldermanus*, Lord of the Hundred, with the chief Lord of each

each Township within their limits iudged; Gods people observed this form in the publike *Centuriatus & decani Judicabant plebem omni tempore.*

The County or *Generale placitum* was the next, this was so to supply the defect, or remedy the corruption of the inferiour, *Ubi Curiæ Dominorum probantur defeciſſe, pertinet ad vice comitem Provinciarum*; the Iudges here were Comites, *vice comites & Barones Comitatus qui liberas in hoc terras habeant.*

The laſt and ſupreme, and proper to our queſtion, was *generale placitum apud London univerſalis Synodus* in Charters of the Conquerour, *Capitalis curia* by *Glanvile, Magnum & Commune conſilium coram Rege & magnatibus ſuis.*

In the Rolles of *Henry* the 3. It is not ſtative but ſummoned by Proclamation, *Edicitur generale placitum apud London*, ſaith the book of *Abingdon*, whether *Epium Duces principes, Satrapæ Rectores, & Cauſidici ex omni parte confluxerunt ad iſtam curiam*, ſaith *Glanvile*: Cauſes were referred, *Propter aliquam dubitationem quæ emergit in comitatu, cum Comitatus neſcit dijudicare.* Thus did *Etbelweld*, Biſhop of *Winchester*, transferre his ſuit againſt *Leoſtine*, from the County *ad generale placitum*, in the time of King *Etheldred*, Queen *Edgine* againſt *Goda*; from the County appealed to King *Etheldred* at *London. Congregatis principibus & ſapientibus Angliæ*, a ſuit between the Biſhops of *Winchester* and *Durham*, in the time of Saint *Edward. Coram Epiſcopis & principibus Regni in preſentia Regis ventilate & finita.* In the tenth yeer of the Conqueror, *Epiſcopi, Comites & Barones Regni poteſtate adverſis provinciis ad univerſalem Synodum pro cauſis audiendis & tractandis Convocati*, ſaith the book of *Weſtminſter*. And this continued all along in the ſucceeding Kings raigne, untill towards the end of *Henry* the third.

AS this great Court or Councell consisting of the King and Barons, ruled the great affairs of State, and controlled all inferiour Courts, so were there certain Officers, whose transcendent power seemed to be set to bound in the execution of Princes wills, as the Steward, Constable, and Marshall, fixed upon Families in Fee for many ages: They as Tribunes of the people, or *explori* among the *Athenians*, grown by unmanly courage fearfull to Monarchy, fell at the feet and mercie of the King, when the daring Earle of *Leicester* was slain at *Evesham*.

This chance and the deare experience *H.* the 3. himselfe had made at the Parliament at *Oxford* in the 40. yeare of his Raign, and the memory of the many straights his Father was driven unto, especially at *Runny-mead* neere *Staines*, brought this King wisely to begin what his Successour fortunately finished, in lessoning the strength and power of his great Lords; and this was wrought by searching into the Regality they had usurped over their peculiar Soveraigns, whereby they were (as the booke of St. *Albans* termeth them.) *Quot Domini vot Tiranni.* And by the weakning that hand of power which they carried in the Parliaments by commanding the service of many Knights, Citizens, and Burgesses to that great Councell.

Now began the frequent sending of Writs to the Commons, their assent not only used in money, charge, and making Lawes, for before all ordinances passed by the King and Peeres, but their consent in judgements of all natures whether civill, or criminall: In proofe whereof I will produce some few succeeding Presidents out of Record.

Liber S. Albani, fol. 20. 7. An. 44. H. 3. When *Adamor* that proud Prelate of *Winchester* the Kings half brother had grieved the State by his daring power, he was exiled by joynt sentence of the King, the Lords, and Commons, and this appeareth expressely by the

the Letter ſent to Pope *Alexander* the fourth, expoſtulating a revocation of him from baniſhment, becauſe he was a Church-man, and ſo not ſubject to any cenſure, in this the anſwer is, *Si Dominus Rex & Regni majores hoc vellent*, meaning his revocation, *Communitas tamen ipſius ingreſſum in Angliam jam nullatenus ſuſtineret*. The Peers ſubſign this anſwer with their names and *Petrus de Mountford vice totius Communitatis*, as Speaker or Proctor of the Commons.

For by that ſtile Sir *John Tiptoſe*, Prolocutor, affirmeth under his Arms the Deed of Intaile of the Crowns by King *Henry* the 4. in the 8. year of his Raign for all the Commons. *Chartæ orig. ſub ſigil. an. 8. H. 4.*

The baniſhment of the two *Spencers* in the 15. of *Edward* the ſecond, *Prelati Comites & Barones & les autres Peeres de la terre & Communes de Roialme* give conſent and ſentence to the revocation and reverſement of the former ſentence the Lords and Commons accord, and ſo it is expreſſed in the Roll.

In the firſt of *Edw.* the 3. when *Elizabeth* the widdow of Sir *John de Burgo* complained in Parliament that *Hugh Spencer* the yonger, *Robert Baldock*, and *William Cliffe* his inſtruments, had by dureſſe forced to make a Writing to the King, whereby ſhe was diſpoyled of all her inheritance, ſentence is given for her in theſe words, *Pur ceo que avis eſt al Eveſques Counts, & Barones, & autres grandes & a tout Cominalte de la terre, que le dit eſcript eſt fait contre ley, & tout manere de raiſon ſi fuiſt le det eſcript per agard del Parliam. dimpue elloquens al livre a ladit Eliz.* *Rot. Parl. 15. E. 3 vel. 2.*

In *An.* 4. *Edw.* 3. it appeareth by a Letter to the Pope, that to the ſentence given againſt the Earle of *Kent*, the Commons were parties, as well as the Lords and Peeres, for the King directed their proceedings in theſe words, *Comitibus, Magnatibus, Baronibus, & aliis de Communitate dicti Regni ad Parliamentum illud congregat is injunximus ut ſuper his diſcernerent & judicarent quod rationi & juſtitiæ* *Prot. Parliam. 1. Ed. 3. Rot. 11*

juſtitiæ, conveniret, habere præ oculis, ſolum Deum qui cum concordi unanimi ſententia tanquam reum criminis læſæ Majeſtatis morti adjudicarent ejus ſententia, &c.

Parl. An. 5. Edw. 3. When in the 50 yeere of *Edw.* 3. the Lords had pronounced the ſentence againſt *Richard Lions*, otherwiſe then the Commons agreed, they appealed to the King, and had redreſſe, and the ſentence entred to their deſires.

Parl. An. 1. Rich. 2 ll 3. 8. & 3. 5. When in the firſt yeere of *Richard* the ſecond, *William Weſton*, and *John Jennings* were arraigned in Parliament for ſurrendring certain Forts of the Kings, the Commons were parties to the ſentence againſt them given, as appeareth by a *Memorandum* annexed to that Record. In the firſt of *Hen.* the 4. although the Commons refer by proteſtation, the pronouncing of the ſentence of depoſition againſt King *Rich.* the 2. unto the Lords, yet are they equally intereſſed in it, as it appeareth by the Record, for there are made Proctors or Commiſſioners for the whole Parliament, one B. one Abbot, one E. one Baron, and 2. Knights, *Gray*, and *Erpingham* for the Commons, and to infer that becauſe the Lords pronounced the ſentence, the point of judgement ſhould be only theirs, were as abſurd as to conclude, that no authority was beſt in any other Commiſſioner of *Oyer*, and *Terminer* then in the perſon of that man ſolely that ſpeaketh the ſentence.

Rot. Parl. An. 2. H. 6 In 2. *Hen.* 5. the Petition of the Commons importeth no leſſe than a right they had to act and aſſent to all things in Parliament, and ſo it is anſwered by the King; and had not the adjourned Roll of the higher Houſe beene left to the ſole entry of the Clark of the upper Houſe; who, either out of the neglect to obſerve due forme, or out of purpoſe to obſcure the Commons right, and to flatter the power of thoſe who immediately ſerved, there would have been frequent examples of all times to cleere this doubt, and to preſerve a juſt intereſt to the Common-wealth, and how conveniently it ſuites with Monarchy to maintaine this forme, leſt others of that well framed bodie

knit

knit under one head, ſhould ſwell too great and monſtrous. It may be eaſily thought for; Monarchy againe may ſooner groan under the weight of an Ariſtocracie as it once did, then under Democracie which it never yet either felt or fear'd.

Sir *John Hollands* Speech in Parliament, 1640.

Mr. Speaker,

THe time of actions are not for rethorick and elocution which emboldens me to riſe; And though I muſt acknowledge my ſelfe to be one of the yongeſt Schollers, and meaneſt proficients in this great Schoole of wiſedome, yet I conceive it a great part of my duty at this time both to deliver my ſuit and conſcience. We are called hither Maſter Speaker by the Royall power, we ſit here by the Kings Majeſties grace and favour, and ſince his Majeſty hath beene graciouſly pleaſed to leave the government of all in our hands, I doubt not but we ſhall lay ſuch a foundation in the beginning of this Parliament, that we ſhall make it a happy Age, a long laſting one ſince the dangers of theſe times, the preſent diſtempers of this State, and therein both his Majeſtie, and our neceſſities, yea and the whole Kingdomes ſafety do require it.

We are called now, Maſter Speaker, as I conceive from the reports you have made of his Majeſties gracious Declaration, for foure principall cauſes. Firſt, for ſupply of his Majeſties wants. Secondly, for the relief of our Brethren in the Northern parts. Thirdly, for the remove

of the *Scots* forces. Fourthly, for redreſſe of ourewne grievances. That his Majeſties wants are great and many, Maſter Speaker, I thinke there is no man doubts it; and it is as certain our grievances are ſo to, they are great and many both in Church and Common-wealth; I ſhall but touch them in either, ſince they have been ſo fully remonſtrated in both.

Firſt in the Church, by the uſurping power of ſome Prelates and their adherents, by which means many great dangers, innovations of doctrines, of diſcipline, of government have been thruſt upon us.

Secondly in the Church, by publique ſufferances of Prieſts and Jeſuits, not only to come into the land, by which means the number of Romiſh Catholiks are dangerouſly multiplied, Idolatry increaſed, and Gods heavie judgements highly provoked.

Thirdly in the Common-wealth, by the late inundations of the Prerogative Royall, which have broken out, and almoſt overturned all our liberties, even thoſe which have been beſt and ſtrongeſt fortified, the *Grand Charter* it ſelf. Mr. Speaker, that which hath been ſo oft, ſo ſolemnly confirmed in the Succeſſion of ſo many Princes, ratified in his Majeſties name, founded by the wiſedome of former ages, purpoſely to keepe the beame over and between Soveraignty.

Even this Maſter Speaker, the deareſt and chiefeſt part of our inheritance hath been infringed, broken, and ſet at nought in the Common-wealth by the over-potencie of ſome faire great ones, ſacred Councellors of State; by whoſe advices it is thought the greateſt part of theſe preſent diſtempers, under which the body of this Common-wealth at this time labours, doe deprive their originalls.

Fourthly in the Common-wealth, by the miſchievous practiſes and policies of ſome ſubtill Projectors, and under the title of the Kings profit, and the publique good, they

they have entitled themſelves to great and vaſt eſtates, and that by the dammage of the whole Kingdome.

They are Maſter Speaker, the very moths and cankers that have freten and eaten out all Trade and commerce, the very beauty, ſtrength, and health of this famous Iſland.

In the Common-wealth, by the entertainment of Forraigners and ſtrangers, and that at his Majeſties exceſſive charge, by which means his Majeſties Coffers are emptied, his Revenues ſhortned, and the whole Kingdome many other wayes oppreſſed. But Maſter Speaker, I ſhall not trouble my ſelfe any further in ſo vaſt, ſo large a field; I ſhall now repreſent my owne weak apprehenſions for our progreſſions in all the particulars for which we have been called, and in all humility ſubmit unto them.

Firſt, of ſupply in his Majeſties wants, I do humbly deſire we may proceed there within its due time; and that with as much loyall dutie and liberality, as ever any people expreſſed towards their Prince, I think I may ſay the preſent affairs of the Kingdome require it.

For the reliefe of our Brethren in the Northern parts, with a ſenſe of charity, and fellow feeling of the miſeries, afflictions, and loſſes, In the removing of the *Scottiſh* Armie with a ſoft and gentle hand of mediation, purification, and reconciliation, if poſſible it may be wrought with his Majeſties honor, and the Kingdomes ſafety (if not) then to repell and repulſe them with ſtout and reſolute ſpirits, with valiant and united hearts and hands, ſuch as ſhall beſt ſuite with our duty to God, our King, our Country; ſuch as ſhall beſt become his honor, and ancient renowne of this Engliſh Nation.

In redreſſe of our grievances in thoſe of the Church, which ought to have priority in our conſultation; as well in reſpect of neceſſity, as dignity. In theſe Maſter Speaker, I do humbly deſire, and doubt not but we ſhall

proceed with all true piety, and well grounded on each guiding Helve towards Gods House, and his truth. In those of the Communalty, with a religious care of our Countries freedom, in the faithfull performance of the trust reposed in us, by them that sent us, in the preservation of our rights, our ancient rights, the rights of our inheritance, our liberties, our priviledges, our properties.

Yet in all, Mr. *Speaker*, I do humbly desire we may proceed, as best suiting the matter and condition of these distempered times, or as best becoming the honour, dignity, and wisedom of this so great a Court, so great Councell, with all temper, modesty, and all due moderation.

SIR *EDWARD HALE* HIS SPEECH.

Mr. *Speaker*,

HIs Majesty hath been graciously pleased to call us together again, to consider freely of all matters of grievances, both of this Church and Common-wealth of *England*, and for to be assistants in our Counsels and helps unto him, about the Scottish Nation, that forceably have entred into our Kingdom, so as they may be ordered into their own Country, or chased away out of this, without any dishonour to the Kings Majesty and this Kingdome;

all

all which matters are of great importance, moment, and consequence, and will crave great consideration and debating, in our best wills, wisedoms, and discretions, and that must be freely to give us leave.

First therefore, under your favour, I do conceive it fit to make this a happy Parliament, to begin at home; For better it were the Scots come unto us, than the devill should raise his Army, to overthrow us both in Church and Common-wealth.

For it is too plain, he is come with great power, and his malice is great, and his policy strong, put into the heads of the Papists (no mean ones) and Prelates, Schismaticks, and Atheists, in severall Bands, which hath and seeketh to prevail so much by their severall designes. Carefully, lovingly, and dutifully mentioned, and rightly too by the Lords Petition at *York*, and by a Petition of the Citizens at *London*, and also by a Petition of worthy Gentlemens sons, Apprentices thereof, so reputed to be. All which show the whole estate of our Church and Common-wealth to be grievously diseased of a Pluriſie, and must have a present and good cure, or else *England* is overthrown, which is the mother and Almoner of the Kings well-fare, and his posterity. Which disease, the King not fearing nor knowing, he had some ill counsell to let it run so farre in jeopardy of trouble and distresse; And herein give me leave to tell you the story of *Noah*, a King in the the Ark: yet after he was over-shot, and taken by the Vines of his own planting, and brought himself to some distronour thereby, as some use our English Kings heretofore have done by their favourites, untill they saw it, and this is it that made the Papists and Prelates rejoyce in their own wisedom and honour, like *Cham*, that saw his father so deceived; but such deserve a curse for it, both of God and man, in respect of the matters contained in the foresaid Petitions of our English Lords, as also for that the former Parliament might have settled all things in

quiet, enriched the Kings Coffers, enabled to withſtand all powerfull pretences, and no doubt, but to have qualified the humour of the Scots, to all our contents. Therefore theſe deſerve the curſe of *Cham* that were movers and ſtoppers, and hinderers of it.

When things might have been compoſed convenient, without warre or ſtrife, and not upon ſo extreme neceſſity, which is now brought upon us, and maketh the Scots proverb in uſe (neceſſity hath no Law) for their defence.

But now our Proverb is drawn from thence, we muſt make a vertue of neceſſity, a hard caſe for a good take heed and counſell; For ſince the plot of an after intended warre, had an ill policy, that would wrong good *Noah* their father, and his children, in ſuch a manner of proceeding, and then in glory and defence of it, againſt this Houſe of Commons, cauſe a booke to be publiſhed againſt our proceedings, theſe men which were the cauſe of publiſhing of it, are fit to publiſh't as *Noahs* curſed ſon *Cham*, ſhameleſſe. And we for our parts in the Houſe of Commons, together with the higher Houſe of Lords, I hope will not ſo leave them, but be rejecters of them, as good *Shem* and *Japheth*, acknowledging them to be vain members, that go about to ſupplant our wrong, the Vineyard, our juſt King and his Kingdom.

Now therefore conſider the former, it ſhall be fit before we enter upon conference, to be ſtrengthened and enabled for diſcharge of our well meaning both to our King and Country, anſwerable to his late ſpeech, to gain and obtain his free love, conſent, power on theſe three points and cautions, handled and moved the laſt meeting.

Firſt, free liberty of ſpeech.

Secondly, each ones right to our ſelves.

Thirdly, for reformation of Religion.

And theſe things granted to proceed freely without delay of time or matters, to the cure of ſuch deadly diſeaſes if they be let alone.

Firſt,

Firſt, I would conceive, under favour of bette judgements, to begin with *Satbans* Roots of evill, *viz.* All Papiſts, becauſe they are of the moſt dangerous ſeed of the Serpent, to the hurt of the Church and Commonwealth herein; that we agree with a generall conſent of Parliament, to ſearch, ſee, and finde out all the Jeſuits, Prieſts, Friars, Cappuchines, and all ſuch Romiſh factions; and by order to all the Juſtices of Peace in England, to impriſon them, or to ſend them all to ſome out-Townes, to baniſh them all out of the Land ſpeedily, while you be in other Councell here ſitting, and thence to ſhip them away at their owne chages, and upon good bonds and ſecurity, that they never return into *England*, *Scotland*, or *Ireland*; and if they ſhould, both the bonds and the Lawes to be executed upon them.

And for other long Inhabitants, Papiſt, and Recuſants, ſuch as may ſeeme honeſt Subjects (only for Religion) the old orders and Statutes to be put in execution, without the abatement of the penalties, till they ſhall conforme to our Religion; and if any have wincked, or underhand compounded for the time paſt, to be puniſhed, and made pay ſo much unto the Kings Cofers, as juſtly due by the Statute ever ſince King *Charles* his Raigne.

The firſt courſe and Act of Parliament being ſpeedily put in execution whileſt we ſit here, will not only excuſe the pretended charity that *Papiſts* hope for from the King and Queen, but will alſo manifeſt the true piety againſt their hereſies for ever, and will be a good ſatisfaction to the *Scots*, which make theſe one of the chiefeſt intents and cauſes of their comming into this Kingdome, which we wiſh they had no worſe intents; and ſure it will be a means to try their intents, and our owne too, and then we have hope to entreat the *Scots* to ſtay our leiſures.

Sir

Sir *John Wray* his Speech touching the *Canons* the 15. of December, 1640.

Mr. Speaker,

A Man may eaſily ſee to what tend all theſe innovations and alterations in Doctrine and Diſcipline, and (without perſpect time) diſcover a farre off the active toylſomeneſſe of theſe ſpirituall Ingineeres to unde mine the old and true foundation of Religion, and eſtabliſh their tottering hereſie in Rome thereof, which leaſt it ſhould not hold being built with untempered morter: You ſee how carefull they are by a paſt oath to force mens conſciences not to alter their government Archiepiſcopall.

And Maſter Speaker, the thoughts of the righteous are right, but the counſells of the wicked are deceit, and nothing elſe in their hearts but deſtructions and devaſtations, but to the counſellors of peace is joy, ſo long as they kept themſelves within the circle of the ſpirituall commerce, and ſtudied to keepe mens hearts upright to God, and his Truth; there was no ſuch complaining in our Streets of them, nor had we never ſeene ſo many thouſand hands againſt them as now there are come in. And no marvell though God withdrawes ſo many hearts and hands from them, who have turned ſo many out of the way of truth, (*vita tuta*) they have ſtopt up but (*via devia*) they have enlarged and layd open, as appears by their crooked Canons,

Maſter

Master Speaker, I shall not goe about to overthrow their government in the plurall, but to limit it, and qualifie it in some particulars. For Sir *Francis Bacon* long since well observed there two things in the government of Bishops, of which he could never be satisfied, no more can I; the first was the sole exercises of the authorities.

And secondly, by the deputation of that authority.

But Master Speaker, I shall not now dispute of either, for mine own part Master Speaker, I love some of them so well, and am so charitable to the rest, that I wish rather their reformation, then their ruine.

But let me tell you withall, that if we should finde amongst them any proud *Becket*, or *Wolsey* Prelates, who stick not to write *Ego & Rex meus*. Or if there shall be found any cruell *Bonners*, &c. such I confesse I would not spare, for they will spare none. But in the counterballance, if there may be found but one good *Cranmer*, or one good *Latimer*, or *Ridley*, I would esteeme and prize them as such jewels to be set in the Kings own Cabinet; for such I am sure will pray for the peace of *Jerusalem*, and for the peace of King *Charles*, and his three Kingdomes, which God long preserve in concord and unity.

But Master Speaker, we must also be Actors in the preservations of Religious concordance, which wil never be safe, nor well at quiet, untill these heavy drossie Canons with all their base mettall be melted and dissolved; let us then dismount them, and destroy them, which is my humble motion.

A SECOND SPEECH made by Sir *John Wray*, in the Commons-Houſe, 24. November, 1640.

Mr. *Speaker*,

BY the report made from the Committee of Religion, you may ſee to what exorbitant height Poperie is growne, and yet how ſlowly we go on to ſuppreſſe it. I feare God is diſpleaſed with us, or elſe no diſaſter ſhould have prevented the ſealing of our Covenant, when intended, and I hope it ſhall be performed the next Sabbath.

Had our Faſt beene accepted, and our Humiliation Cordiall, no blow ſhould have diſtracted our preparation. Maſter Speaker, if we had taken the good Counſell of our Teachers at the Faſt, and beleeved their Report, we had done well; and by this time (no doubt) we might have found out *Achan* with his Wedge of Gold, and Babiloniſh garment. But we have ſpent our time only in peeling of the Barke, and

and ſnatching the boughes and branches of Poperie, and that will doe us no good, for they will prove, and grow thicker and harder.

What muſt we do then, Maſter Speaker, to preſerve our Religion ſafe and ſound to us and to our Poſterity, that our Candleſticke be not removed. The only way is to fall to our worke in earneſt, and lay the Axe to the Root, to unlooſe the long and deepe fangs of Poperie and Superſtition, which being once done, the bodie will ſoone fall downe.

Let us then Maſter Speaker, endeavour a through Reformation; for if it be imperfect, it will prove the ſeed of diſſolution, if not diſſolutions, which God forbid. And to prevent it, I ſhall humbly move that the Groves and High-places of Idolatry may be removed and put down, and then Gods wrath will be appeaſed, and till then never.

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Mr. GRIMSTONS SPEECH,

In the House of Commons IN PARLIAMENT, CONCERNING EPISCOPACY, In *Feb.* 1640.

Mr. *Speaker*,

THese two honorable Lords, Lord *Digby*, Lord *Faulkland*, that spake last, have not only prevented me in much I intended to have spoken my self, but they have likewise taught me much I knew not before; Therefore it is not much you can expect from me: All that I shall say at this time, is rather to prepare the matter for the question, which hath already been so learnedly debated by them, than to speak any thing of the matter it self. I must confesse, when I look upon the Bishops, or at least, upon some of them, and the way of their Government, and the sufferings of the people, under their Tyranny: I wonder not at all at the multitude of Petitioners and Petitions, that have this Parliament been preferred against them, and that they all cry out, Crucifie Crucifie, or that they would have been up by the roots, but it

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is neceſſary we ſhould diſtinguiſh between the perſons of the Biſhops, which are ſo obnoxious, and their Functions and Offices; for there is no more weight in the Argument, that becauſe the Biſhops have done amiſſe, therefore take away Epiſcopacy, than there is in it, becauſe the Judges of the Common Law are in fault, therefore take away Judges, and take away the Common Law: For my own part; I conceive it an eaſier matter, and ſafer for us, (*Addere Inventis*) to reform what is amiſſe in them and their Government, then (*Creare Novum*) to ſet up a new form of Goverment, wch we have had no experience of, nor do we know how it ſhould ſuit either with the humours of the people, or with the Monarchiall Government; And it may be the new Government which is ſo much deſired, if it be brought in upon the grounds and foundations that ſome would have it, it will be out of our powers ever to miniſter it again. Whereas on the other ſide, the Government which is already eſtabliſhed, if the Governours exceed their bounds, they may fall into a *Premunire*, and other penalties which the Law hath provided in that Caſe; and if that be not ſufficient, we have yet another hanck upon them, for our Parliaments have continually a command over them.

Then, Sir, It may be demanded of me of their being ſo much amiſſe, what is that I would have done?

Truely Sir, I am of opinion, that much muſt be done, or elſe we had as good do nothing.

Therefore I come to the particulars, Church Government may be compared to a Caſtle, let a Caſtle be never ſo ſtrong, once in four-ſcore yeers (for ſo long it is ſince the firſt reformation) it may need repair, and it is not the Caſtle alone, I mean the Government, that needs repair, but likewiſe the Governours themſelves, who moſt wickedly and trayterouſly have turned their Canons upon us, which ſhould have been uſed for our defence.

In the firſt place therefore I conceive it not onely convenient,

venient, bnt of abſolute neceſſity, and the payring of their excreſcences, I mean their temporall Juriſdiction: I muſt confeſſe, I know not to what purpoſe they ſhould ſit upon our Benches at our Seſſions of the Peace, and Goal-Deliveries, or in the Starre-Chamber, for by wofull experience, we finde that their Judgements are guided there more by their boundleſſe wills, and fiery tranſported paſſions, than by reaſon, and the rule of Law, which ought to have been their director. I conceive that of leſſe uſe their ſitting at the Councell boord, to be there at the Helm to guide and ſteer the temporall affairs of the Common-wealth, certainly that is not the Plough they ought to follow, and by the neglecting of it, that is the reaſon that ſo many briers, brambles, and ſtinking weeds, are ſprung up in Gods Houſe, the Church, to the great deſtruction of all his Majeſties Kingdoms here at home, and the great wonder and amazement of all the reformed Churches abroad.

And I conceive it of the leaſt uſe of all their ſitting in Parliaments, as powers to give their voices in the making of Laws; and yet I would not utterly exclude them. For I conceive it might be convenient that all, or at leaſt, ſome of them might alway be preſent there as Aſſiſtants, to give their advice in Spirituall matters when they are thereunto required by the Lords, as the Juſtices do in Temporall.

In the next place I conceive it of, as abſolute neceſſity, the robbing of the Juriſdiction of the high Commiſſion Court, or at leaſt, to limit and bound it, that it may *(quadrare)* with the great *Charter* of our liberties, and the Laws of this Kingdom.

This Court hath for many yeers together, ridden upon the back of the common Law Courts, which ought to have been ſubſervient to them. Each river muſt be kept within its own bounds, and it is unpoſſible to have two Suns ſhine together in one Firmament.

They have likewiſe many ſuperfluous Courts, which I conceive

conceive might very well be ſpared, as their Officiall Courts, and Commiſſary Courts. Sir, they are no better than cozening Lotteries, where the Kings Subjects are detained of their moneyes, and where their Judges and inferiour Officers do, like Phyſitians that alway cure themſelves, though they deſtroy their patients. I confeſſe, I could willingly give my conſent that they ſhould keep their Chancellors Court, and an Archdeacon Court, if ſuch limits and bounds were put upon them, as by the wiſedom of this Houſe may eaſily be done.

The Chancellor is (*cuſtos conſciencie*) the Keeper of the Biſhops conſcience, and the Archdeacon is (*oculus Epiſc.*) the Biſhops eye; And as I would not take away their conſciences or their eyes, ſo I would not have them like *Briarius* have their finger in every buſineſſe. This Sir, I have ſhortly preſented you with my opinion, that is, that I am not willing it that ſhould be referred to, or committed upon the point of ſubverſion, but I am willing it ſhould be referred upon the point of reformation. And if the ſence of the Houſe ſhall run that way, I doubt not but at the Committee I ſhall make it manifeſt, that my heart ſtands affected with as much zeal, for the having a reformation, as any man that ſits within theſe walls.

DENSELL

DENSELL HOLLIS Esquior, His speech at the deliverie of the Protestation to the LORDS, *May* the fourth, 1641.

My Lords,

THe Knights, Citizens and Burgesses of the House of Commons, having taken into their consideration the present estate and condition of this Kingdome, they finde it surrounded with variety of pernicious dangers, and destructive designes, practises and plots, against the well being of it, and some of those designes, hatched within our owne bowells, and Viper-like working our own destruction.

They finde Jesuits, and Priests conspiring with ill ministers of State, to destroy our Religion; they finde ill ministers conioyn'd together to subvert the Lawes and liberties. They finde obstructions of Justice, which is the life-bloud of every State, and having a free passage from the Soveraign power, where it is as primarily seated as the life-blond in the heart, and there derived from the severall Judicatories, or through so many veins, into all the parts of this great collective Bodie, doth give warmth and

and motion, to every part and member, which is nourished and inlivened by it. But being once precluded stoppd, and rested as the particular must of necessity faint and languish, so must the whole frame of government be dissolved.

And consequently Soveraignty it selfe (which as the heart in the body, is *primum movens, & ultimum moriens*, must dye and perish in the generall dissolution, and all things as in the beginning *in antiquum Chaos*.

My Lords,

They finde the property of the Subject invaded and violated, his estate rent from him by illegall taxations, Monopolies and projects almost upon every thing that is for the use of man, not only upon superfluities, but necessaries? and that enrich the Vermine and Caterpillers of the Land, and impoverishing good Subiects, to take the meat from the Children, and give it to Dogs.

My Lords, if the Commons finde these things, they conceive they must needs be ill counsels, that have brought us into this condition.

These Counsels have put all into a combustion, have discouraged the hearts of all true English men, and brought two Armies into our bowels, which is the Ulture upon *Prometheus*, eats through, and sucks and gnawe our very hearts out.

Hic Dolor, sed ubi Medicina?

Heretofore Parliaments were the *Catholicall*, the balm of *Gilead*, which healed our wounds, restored our spirits, and made up the breaches of the Land.

But of late years they have been like the Fig-tree in the Gospel, without effecacie, without fruit, onley destructive to their particular members, who discharged their duties and consciences no way beneficiall to the Common-welth. *Nobis exitiale, nec Reipublicæ profuturum.* As he saith in *Tacitus*, being taken away still as *Elias* was with a whirle-wind, never comming to any maturity, or

to their naturall end, whereas they should be like the blessed old man, who dieth, *plenus dierum*, in a full age, after he had fought a good fight, and overcome all his enemies. Or as the shocke of wheat, which commeth in due season to fill our Garnaries with corn, uphold our lives with the staffe of bread; for Parliaments are our *panis quotidianus*, our true bread, all other waies are but *Quelkachoes* which yeeld no true nourishment, bread, nor good blood.

The very Parliament which hath sate so long, hath but beat the Ayre, and strive against the streame, I may truly say the wind and tyde hath still been against us. The same ill counsell which first raised the storm, and almost shipwrackt the Common-wealth, they still continue, they blow strong like the East wind that brought the Locusts over their Counsells, crosse our designes, cast difficulties in our way, hinder our proceedings, and make all that we do to be fruitlesse and ineffectuall: They make us not masters of our busines, and so not masters of many, which have been the great busines of this Parliament, that we might pay the Armies, according to our promises and engagements.

For my Lords, our not effecting of the good things which we have undertaken for the good of the Church and of the Common-wealth, hath wounded our Reputation, and taken off from our credit.

Is it not time then, my Lords, that we should unite, and concentrate our selves, in regard of this *Antiparistasis*, of hurtfull and malicious intentions and practises against us.

My Lords, it is most agreeable to nature, and I am sure most agreeable to reason, in respect of the present coniuncture of our affairs, for one main Engine by which our enemies work our mischief, is by infusing an opinion and belief into the world, that we are not united among our selves. But like *Sampsons* Foxes, we draw severall wayes, and tend to our severall ends. To

To defeat the Counſels of theſe *Achitophels* which would involve us, Our Religion, our being, our Lawes, our liberties, all that can be neere and deere unto an honeſt ſoule, in one univerſall and generall deſolation, to defeat I ſay, the Counſels of evill *Achitophels*, the Knights, Citizens and Burgeſſes of the Houſe of Commons (knowing themſelves to be ſpecially entruſted with the preſervation of the whole, and in their Conſcience are perſwaded that the dangers are ſo eminent, as they will admit of no delay) have thought fit to declare their united affections, by entring into an aſſociation amongſt themſelves, and by making a ſolemne Proteſtation and vow unto their God, that they will unanimouſly endeavour to oppoſe and prevent the Counſels and Counſellours which have brought upon us all theſe miſeries, and the fears of greater, to prevent the ends, and bring the Authors of them to condigne puniſhment, and thereby diſcharge themſelves better before God and man.

The Proteſtation your Lordſhips ſhall have read unto you, together with ground and reaſons which have induced the Houſe of Commons to make it, which are prefixed before it by way of Preamble.

Then the Proteſtation was read by Maſter *Maynard*.

Die Mercurii 5 May, 1641.

IT is this day ordered by the House of Commons now assembled in Parliament, that the Preamble, togetheer with the Protestation which the Members of this House made the third of *May*, shall be forthwith Printed, and the Copies printed, brought to the Cleark of the said House, to Attest under his hand, to the end that the Knights, Citizens, and Burgesses may send them down to the Sheriffes, and Justices of Peace of the severall Shires, and to the Citizens and Burgesses of the severall Cities, Boroughes, and Cinque Ports respectively. And the Knights, Citizens, and Burgesses are to intimate unto the Shires, Cities, and Boroughes, and Cinque Ports, with what willingnesse all the Members of this House made this Protestation. And further to signifie, that as they justifie the taking of it in themselves, so the cannot but approve it in all such as shall take it.

A Preamble with the Protestation made by the whole House of Commons the third of *May*, 1641. and assented unto by the Lords of the upper House the fourth of *May* last past.

WE the Knights, Citizens, and Burgesses of the Commons House in Parliament, finding to the griefe of our hearts, that the designes of the Priests and Jesuits, and other adherents to the See of *Rome*, have of late

late more boldly and frequently put in practice then formerly, to the undermining and danger of the Ruine of the true reformed Religion, in his Majesties Dominions established, and finding also that there hath bin, and having cause to suspect there still are, even during the sitting in Parliament, endeavours to subvert the fundamentall Lawes of *England*, and *Ireland*, and to introduce the exercise of an Arbitrary and tyrannicall government, by most pernicious and wicked counsells, practises, plots, and conspiracies, and that the long intermision, and unhappier breach of Parliaments, hath occasioned many illegall Taxations; whereupon the Subjects have beene prosecuted and grieved, and that divers Innovations and Superstitions have been brought into the Church, Multitudes driven out of his Majesties Dominions, Jealousies raised and Fomented between the King, and his people, a Popish Armie leavied in *Ireland*, and two Armies brought into the bowels of this Kingdome, to the hazard of his Majesties Royall Person, the Consumption of the Revenue of the Crown, and the treasure of this Realme. And lastly, finding the great causes of Jealousie, endeavours have beene and are used to bring the English Armie into mis-understanding of this Parliament; thereby to encline that Armie by force, to bring to passe those wicked counsells, have therefore thought good to joyn our selves in a Declaration of our united affections, and resolutions, and to make this ensuing Protestation.

The Protestation.

I *A.B.* Do in the presence of Almighty God, promise, vow, and protest to maintain and defend, as farre as lawfully I may, with my life, power, and estate, the true Reformed Protestant Religion expressed in the Doctrine of the Church of *England*, against all popery and popish Innovation within this Realm, contrary to the said Doctrine, and according to the duty of my Allegiance, I will maintain and defend his Majesties Royall Person, Honor, and Estate,

As also the power and privilledge of *Parliaments*, the lawfull Rights and Liberties of the Subjects. And every person that shall make this Protestation, in whatsoever he shall do in the lawfull pursuance of the same, and to my power, as farre as lawfully I may, I will oppose, and by all good wayes and means endeavour to bring condigne punishment on all such as shall by force, practice, counsels, plots, conspiraces, or otherwise, do any thing to the contrary in this present protestation contained, and further, that I shall in all Just and Honorable wayes, endeavour to preserve the union and peace betwixt the three Kingdoms of *England*, *Scotland*, and *Ireland*. And neither for hope, fear, or any other respects, shall relinquish this promise, vow, and Protestation.

The

The Bill of Attainder, that paſſed againſt *Thomas*, Earl of *STAFFORD*.

WHereas the Knights, Citizens, and Burgeſſes of the Houſe of Commons, in this preſent Parliament aſſembled, have, in the name of themſelves, and of all the Commons of *England*, impeached *Thomas*, Earl of *Strafford* of high Treaſon, for endeavouring to ſubvert the Ancient and Fundamentall Laws and Government of his Majeſties Realms of *England* and *Ireland*, and to introduce an Arbitrary and Tyrannicall Government againſt Law in the ſaid Kingdoms; and for exerciſing a Tyrannous and exorbitant power, over and againſt the Laws of the ſaid Kingdoms, over the Liberties, Eſtates, and Lives of his Majeſties Subjects; and likewiſe for having by his own authority, commanded the laying and aſſeſſing of ſouldiers upon his Majeſties Subjects in *Ireland*, againſt their conſents, to compell them to obey his unlawfull commands and orders made upon paper Petitions in cauſes between party and party, which accordingly was executed upon divers of his Majeſties Subjects in a Warlike manner, within the ſaid Realm of *Ireland*; and in ſo doing, did levie Warre againſt the Kings Majeſty and his liege people in that Kingdome; And alſo for that he upon the unhappy Diſſolution of the laſt Parliament, did ſlander the Houſe of Commons to his Majeſty, and did counſell and adviſe his Majeſty, that he was looſe and abſolved from the rules of Government, and that he had an Army in *Ireland*, by which he might reduce this Kingdom; for which he deſerves to undergo the pains and forfeitures of high Treaſon.

And the ſaid Earl hath been alſo an Incendiary of the

Wars

Warres between the two Kingdoms of *England* and *Scotland*: all which offences have been sufficiently proved against the said Earl upon his impeachment.

Be it therefore enacted by the Kings most Excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and by authority of the same, That the said Earl of *Strafford* for the haynous crimes and offences aforesaid, stand, and be adjudged and attainted of high Treason, and shall suffer such pain of death, and incurre the forfeitures of his Goods, and Chattels, Lands, Tenements, and Hereditaments of any estate of Free-hold or Inheritance in the said Kingdoms of *England* and *Ireland*, which the said Earl, or any other to his use, or in trust for him, have or had the day of the first sitting of this present Parliament, or at any time since.

Provided that no Judge or Judges, Justice or Justices whatsoever, shall adiudge or interpret any Act or thing to be Treason, nor in any other manner than he or they should or ought to have done before the making of this Act, and as if this Act had never been had or made. Saving alwayes unto all and singular persons and bodies, politique and corporall, their Heirs and Successors, others than the said Earl and his heirs, and such as claim by, from, or under him, all such right, title, and interest, of, in, and to all and singular, such of the said Lands, Tenements, and Hereditaments, as he, they, or any of them, had before the first day of this present *P*arliament, any thing herein contained to the contrary notwithstanding.

*P*rovided that the passing of this present Act, and his Maiesties assent thereunto, shall not be any determination of this present Sessions of *P*arliament, but that this present Sessions of *P*arliament, and all Bills and matters whatsoever depending in Parliament, and not fully enacted or determined: And all Statutes and Acts of *P*arliament, wch have their continuance untill the end of this present Session of *P*arliament, shall remain, continue, and be in full force, as if this Act had not been.

The

The first Speech concerning the the right of Bishops to sit in Parliament, *May* 21. 1641.

My Lords,

I Shall take the boldnesse to speak a word or two upon this subject, first as it is in it self, then as it is in the consequence: For the former I think he is a great stranger in Antiquity, that is not well acquainted with that of their sitting here, they have done thus and in this manner, almost since the conquest, and by the same power and the same right the other Peers did, and your Lordships now do, and to be put from this their due, so much their due, by so many hundred yeers strengthned and confirmed, and that without any offence, nay pretence of any, seems to me to be very severe; if it be *jus*, I dare boldly say it is *summum*. That this hinders their Ecclesiasticall vocation, an argument I heare much of, hath in my apprehension more of shadow, then in substance in it: if this be a reason, sure I am it might have been one six hundred yeers ago.

A Bishop, my *Lords*, is not so circumscribed within the circumference of his Diocesse, that his sometimes absence can be termed, not in the most strict sense a neglect or hindrance of his duty, no more than that of a Lievetenant from his County, they both have their subordinate Ministers, upon which their influences fall, though the distance be remote.

Besides my *Lords*, the lesser must yeeld to the greater

good, to make wholesome and good Lawes for the happy and well regulating of the Church and Common-wealth, is certainly more advantagious to both, then the want of the personall execution of their office, and that but once in three years, and then peradventure but a moneth or two, can be prejudiciall to either. I will go no further to this, which experience hath done so fully, so demonstratively.

And now my *Lords*, by your Lordships good leave, I shall speak to the consequence, as it reflects both on your Lordships, and my Lords the Bishops. Dangers and inconveniencies are ever best prevented *è longinquo*; this president comes neer to your Lordships, and such a one, *mutato nomine de vobis*. Pretences are never wanting, nay, sometimes the greatest evils appeare in the most faire and specious out-sides, witnesse the Shipmeny, the most abominable, the most illegall thing that ever was, and yet this was painted over with colour of the Law; what Bench is secure, if to alleage be to convine, and which of your Lordships can say then he shall continue a member of this House, when at one blow twenty six are cut off. It then behoves the Neighbour to look about him, *cum proximus ardet Vcalegon.*

And for the Bishops, my Lords, in what condition will you leave them? The House of Commons represents the meanest person, so did the Master his slave, but they have none to do so much for them, and what justice can tie them to the observation of those Lawes, to whose constitution they give no consent, the wisdome of former times, gave proxies unto this House meerly upon this ground, that every one might have a hand in the making of that, which he had an obligation to obey: This House could not represent, therefore proxies in roome of persons were most justly allowed.

And now my *Lords*, before I conclude, I beseech your Lordships to cast your eyes upon the Church, which I know

know is moſt dear and tender to your Lordſhips, you will ſee her ſuffer in her principall members, and deprived of that honor which here and throughout all the Chriſtian World, ever ſince Chriſtianity ſhe conſtantly hath enjoyed; for what Nation or Kingdome is there in whoſe great and publike aſſemblies, and that from her beginning, ſhe had not ſome of hers if I may not ſay as eſſentiall, I am ſure I may ſay as integrall parts thereof; and truly my Lords, Chriſtianity cannot alone boaſt of this, or challenge it only as hers, even Heatheniſme claims an equall ſhare.

I never read of any of them, Civill, or Barbaross, that gave not thus much to their Religion, ſo that it ſeems to me to have no other originall, to flow from no other ſpring than Nature it ſelfe.

But I have done, and will trouble your Lordſhips no longer, how it may ſtand with honor and juſtice of this Houſe to paſſe this Bill, I moſt humbly ſubmit unto your Lordſhips, the moſt proper and only Juges of them both.

The ſecond Speech about the lawfulneſſe and convenieny of their intermedling in Temorall Affaires.

My Lords,

I Shall not ſpeake to the Preamble of the Bill, that Biſhops, and Clergie men ought not to intermeddle in temporall offairs. For, truly my Lords, I cannot bring it under any reſpect to be ſpoken of. *Ought* is a word of relation, and muſt either refer to humane or divine Law

to prove the lawfulneſſe of their intermeddling by the former, would be to no more purpoſe, than to labour to convince that by reaſon, which is evident to ſenſe. It is by all acknowledged. The unlawfulneſſe by the latter, the bill by no means admits of, for, it excepts Univerſities and ſuch perſons as ſhall have honour deſcend upon them. And your *Lordſhips* know, that circumſtance and chance alter not the nature and eſſence of a thing, nor can except any particular from an univerſall propoſition by God himſelf delivered. I will therefore take theſe two as granted, firſt that they ought by our *Law* to intermeddle in temporall affairs, ſecondly, that from doing ſo they are not inhibited by the *Law* of God, it leaves it at leaſt as a thing indifferent. And now my Lords, to apply my ſelf to the buſineſſe of the day, I ſhall conſider the conveniency, and that in the ſeverall habitudes thereof, but very briefly; firſt, in that which it hath to them meerly as men; *qua tales*, then as parts of the Common-wealth; Thirdly, from the beſt manner of conſtituting laws, and laſtly, from the practice of all times both Chriſtian and Heathen.

Homo ſum nihil humanum à me alienum puto, was indeed the ſaying of the Comedian, but it might well have becom'd the mouth of the greateſt Philoſopher. We allow to ſenſe all the works and operations of ſenſe, and ſhall we reſtrein reaſon? muſt only man be hindered from his proper actions? They are moſt fit to do reaſonable things that are moſt reaſonable. For, Science commonly is accompanied with conſcience; So is not ignorance: they ſeldome or never meet. And why ſhould we take that capacity from them, which God and nature have ſo liberally beſtowed?

My Lords, the politike body of the Common-wealth is analogicall to the body naturall: every member in that contributes ſomething to the contribution of the whole, the ſuperfluity or defect which hinders the performance of that duty, your Lordſhips know what the Philoſopher calls ἁμαρτία φύσεως, Natures ſin. And truely my

Lords,

Lords, to be part of the other body, and do nothing beneficiall thereunto, cannot fall under a milder term. The common-wealth ſubſiſts by laws and their execution: and they that have neither head in the making, nor hand in the executing of them, conferre not any thing to the being or well being thereof. And can ſuch be called members, unleſſe moſt unprofitable ones? onely *fruges conſumere nati.*

Me thinks it ſpringes from nature it ſelfe, or the very depths of Juſtice, that none ſhould be tied by other Lawe than himſelf makes, for, what more naturall or juſt, than to be bound onely by his own conſent? to be ruled by anothers will, is meerly tyrannicall. Nature there ſuffers violence, and man degenerates into beaſt. The moſt flouriſhing Eſtates were ever governed by Lawes of an univerſall conſtitution; witneſſe this our Kingdom, witneſſe *Senatus populuſque Romanus*, the moſt glorious Common-wealth that ever was, and thoſe many others in *Greece*, and elſewhere, of eternall memory. 3.

Some things, my Lords, are ſo evident in themſelves, that they are difficult in their proofs. Amongſt them I reckon this inconveniency I have ſpoken of; I will therefore uſe but a word or two more in this way. The long experience that all Chriſtendom hath had hereof for theſe 1300 yeers, is certainly, *argumentum ad hominem*. Nay my Lords I will go further (for the ſame reaſon runs thorow all Religions) never was there any Nation that employed not their religious men in the greateſt affairs. But to come to the buſineſſe that lies now before your Lordſhips; Biſhops have voted here ever ſince Parliaments began, and long before were imployed in the publicke. The good they have done, your Lordſhips all well know, and at this day enjoy: for this I hope ye will not put them out, nor for the evill they may do, wch yet your Lordſhips do not know, and I am confident never ſhal ſuffer. A poſition ought not to be deſtroyed by a ſuppoſition, *a poſſe ad* 4.

esse non valet consequentia. My Lords, I have done with proving of this positively, I shall now by your good favours do it negatively in answering some inconveniences that may seem to arise.

Object.1. For the Text, No man that warres, intangles himself with the affairs of this life, which is the full sense of the word both in Greek and *Latine*, it makes not at all against them, except to intermeddle and intangle be tearms equivalent. Besides my Lords, though this was directed to a Church-man, yet it is of a generall nature, and reaches to all, Clergy and *Laity*, as the most learned and best expositors unanimously do agree. To end this, *Argumentum symbolicum non est argumentativum.*

Object.2. It may be said that it is inconsistent with a spirituall vocation; truely, my Lords, *Grace* and *Nature* are in some respects incompossible, but in some others most harmoniously agree, it perfects nature, and raises it to a heighth above the common altitude, and makes it most fit for those great works of God himself, to make Laws, to do Iustice. There is then no inconsistency between themselves, it must arise out of Scripture, I am confident it doth not formally out of any place there, nor did I ever meet with any learned Writer of these or other times, that so expounded any Text.

Object.3. But though in strict tearms this be not inconsistent, yet it may peradventure hinder the duty of their other calling. My Lords, there is not any that sits here, more for preaching than I am. I know it is the ordinary means to salvation, yet, I likewise know, there is not that full necessity of it as was in the primitive times. God defend that 1600 yeers acquaintance should make the Gospel of Christ no better known unto us. Neither, my Lords, doth their office meerly and wholly consist in preaching, but partly in that, partly in praying, and administring the blessed Sacraments, in a godly and exemplary life, in wholsome

ſome admonitions, in exhortations to vertue, dehortations from vice, and partly in eaſing the burdened conſcience. Theſe, my *Lords*, compleat the office of a Churchman. Nor are they altogether tied to time or place, though I confeſſe they are moſt properly exerciſed within their own verge, except upon good occaſion, nor then the omiſſion of ſome can be tearmed the breach of them all. I muſt adde one more, an eſſentiall one, the very form of Epiſcopacy, that diſtinguiſheth it from the inferiour Miniſtry, the orderly and good government of the Church, and how many of theſe, I am ſure, not the laſt, my *Lords*, is interrupted by their ſitting here, once in 3 yeers, and then peradventure but a very ſhort time: and can there be a greater occaſion than the common good of the Church and State? I will tell your *Lordſhips* what the great and good Emperour *Conſtantine* did, in his expedition against the Perſians, he had his Biſhops with him whom he conſulted with about his military affairs, as *Euſebius* has it in his life, *lib.* 4. *c.* 56.

Reward and puniſhment are the great negociators in all worldly buſineſſes; theſe may be ſaid to make the Biſhops ſwim againſt the ſtream of their conſciences, and may not the ſame be ſaid of the *Laity*? Have theſe no operations, but onely upon them? Has the King neither frown, honour, nor offices, but onely for Biſhops? Is there is nothing that anſwers their tranſlations? Indeed, my *Lords*, I muſt needs ſay that in charity, it is a ſuppoſition not to be ſuppoſed; no, nor in reaſon, that they will go againſt the light of their underſtanding. The holineſſe of their calling, their knowledge, their freedoms from paſſions and affections to which youth is very obnoxious, their vicinity to the gates of death, which, though not ſhut to any, yet alwayes ſtand wide open to old age: theſe, my *Lords*, will ſurely make them ſteer aright. *Object.* 4.

But

But, of matter of fact there is no diſputation, ſome of them have done ill, *Crimine ab uno diſce omnes*, is a poeticall, not a logicall argument. Some of the Judges have done ſo, ſome of the Magiſtrates and Officers; and ſhall there be therefore neither Iudge, Magiſtrate nor Officer more? A perſonall crime goes not beyond the perſon that commits it, nor can anothers fault be mine offence. If they have contracted any filth or corruption through their own, or the vice of the times, cleanſe and purge them thorowly. But ſtill remember the great difference between reformation and extirpation. And be pleaſed to think of your Triennall Bill which will ſave you this labour for the time to come; fear of puniſhment will keep them in order, if they ſhould not themſelves through the love of vertue. I have now, my *Lords*, according to my poor ability, both ſhewed the conveniences, and anſwered thoſe inconveniences that ſeem to make againſt them. I ſhould now propoſe thoſe that make for them. As their falling into a condition worſe than ſlaves, not repreſented by any; and then the dangers and inconveniences that may happen to your *Lordſhips*; but I haue done this heretofore, and will not offer your *Lordſhips Crambenbis collam*.

The

A Speech in Parliament delivered by Mr. Peard, againſt the Oath *Ex Officio*. 1640.

Mr. Speaker,

I Aſſure my ſelfe, we are here met to diſcover, and reforme (as much as in us lyeth) all abuſes of the Church and Common-wealth; many and great ones have been ſpoken againſt, ſome contrary to all Law, and ſome eſtabliſhed by new Lawes, contrary to all Law: The Wolfe having put on the Lions skinne, and rapine, preſuming to paſſe undiſcovered under the robe of Juſtice. But I ſhall not neede to light a candle to ſearch out that, which already the ſunne hath made manifeſt; That which I ſhall ſpeak, hath not been ſpoken, but if I ſhall ſpeak that, that ſhall ſeeme to be againſt Law, I humbly crave the pardon of this Houſe, ſince if it be law, it is *ſummum jus*, Law without conſcience: That which I ſhall ſpeake againſt, is the Oath *Ex Officio*. It is acknowledged by themſelves, that Adminiſter this Oath, that it is unjuſtly done to tender it to any man, unleſſe there be a publique Fame, or particular Preſentment or Arcicles reſtified againſt him: I make no queſtion, but the practice of this confeſt Injunction wil be found cõmon amongſt them, And I hope it ſhalbe ſeverely cenſured, ſince unjuſt proceedings upon unjuſt grounds, are double Injuſtice; I ſhall therefore leave that as a plaine caſe, and examine their beſt grounds; Firſt, Fame (they ſay) is a juſt cauſe for them to take Cognizance of a matter to proceed againſt it; Fame we

know may ariſe upon very ſmall and groundleſſe ſuſpitions, by ſecret whiſperings, creeping at firſt, but quickly gets it wings; And as the Poët ſaith, *Creſcit eundo.*

This is the manner of all Fame; if this be Fame, their Court ſhall never want worke, as long as a Promooter hath an ill tongue, or a knave can ſlander an honeſt man; Therefore I thinke Fame no good ground to proceed upon.

If Fame be juſt, what moſt men ſpeake, certainly ſome men will teſtifie; No man will teſtifie it is falſe.

Let no accuſation then ſtand, but out of the mouthes of two or three witneſſes, of Preſentments, are a juſt ground of proceedings in all Courts, and upon all cauſes: But neither witneſſes nor preſentments are or can be a juſt ground of the Oath *Ex officio*; For if the partie accuſed be examined no further then is teſtified, then the Oath *Ex Officio* is ſuperfluous.

If he be examined further, or upon other matters then is teſtified, then a man is made to betray himſelfe, which is unjuſt.

Mr. Speaker, ſuch is the Mercy of the Common Law, that Murderers and Poyſoners are not examined upon the rack, but the Civill law upon every occaſion racketh the Conſcience.

Theſe are the Lyme-twigs which were ſet to catch the poore Martyrs in Queene *Maries* daies; And in our daies, I dare beleeve it will appeare that ſome good men are fallen into this ſnare.

Mr. Speaker, If the foundations faile, what ſhall the buildings doe? If the conformity of good men ſhall undoe them, who ſhall ſtand? I deſire nothing but that evill men may ſuffer, I deſire the Law may puniſh, not make offenders, I deſire that our words and actions at this time, and at other times, may be ſubject to the Law, I would have thought free.

Mr.

Mr. Speakers Letter to Sir *Jacob Ashley.*

SIR,

WEE have had cause to doubt, that some ill affected persons, have endeavoured to make a mis-understanding in the Army, of the intentions of the Parliament towards them; To take away all mistaking in that kinde, the house of Commons have Commanded me to assure you that they have taken the affaires of the Army into their serious Care; And though for the present their moneys have not come as they wished, and as was due, by reason of the many distractions, and other Impediments which this House could no wayes avoid, yet they rest most assured that they shall not onely have their full pay, but the House will take their merits into their further consideration, in regard they take notice that notwithstanding their want, and endeavours of those ill-affected persons, they have not demeaned themselves otherwise, then as men of honor, and well affected to the Common-wealth, which this House takes in so good part, that we have already found out a way to get money for a good part of their pay, and will take the most speedy course, we possibly may for the rest.

So I remain; From my house at Charing-Crosse, the 4th of this present Month of May. 1641.

Your very Loving Friend.

SIR, 'Tis the pleasure of the House, that this Letter be Communicated to the Army, to the end their Intentions may be clearly understood by them.

Sir BENJAMIN RUDYERDS Speech.

Tueſday the 29. Decem.

Mr. SPEAKER,

THe principall part of this buſineſſe, is Moneys, and now we are about it, I ſhall be glad we may give ſo much, as will not only ſerve the turn for the preſent, but likewiſe to provide that it come not quick upon us againe. I beleeve that the two ſubſidies are ſpent already. Wee know how much time this buſineſſe hath coſt us, if we be but halfe as long about another, it may coſt more then money: For if two Armies ſhould be driven to extreame neceſſitie, and they will be Judges of their owne neceſſitie, we ſhall not be able to ſit here, and give more, though we would.

Believe it Sir, this is the buſineſſe of all the buſineſſes in the Houſe, of all the buſineſſes in the Kingdom; If we ſtand hacking for a little money, wee may very thriftily loſe all we have, this being a buſineſſe of ſo peremptory and deſtructive a nature.

Wherefore Mr. Speaker, my humble and earneſt motion is, that we may diſpatch it fully, and at once; If there ſhould be an overplus of money remaining, wee can ſoone reſolve how to diſpoſe of it.

Foure ſubſidies will doe the worke, if they be given preſently, for every day tells us that we are not ſo much Maſters of our owne time, and occaſions as to doe nothing when we would; Let us doe this whileſt we may, though I dwell not in the North, yet I dwell in *England*.

Sir

Sir BENJAMIN RUDYERDS Speech concerning the QUEENS Joynture. *Jan.* 1640.

Mr. SPEAKER,

GOD hath bleſſed the Queens Majeſtie with a bleſſed Progeny already, whereby ſhe hath relieved and fortified this Kingdome, which may put us in minde in a fit time to provide according to their birth, and intereſt.

Shee is the daughter of a great and famous King, ſhe is the wife of our King, which to us includes all expreſſions. But in one thing, Mr. Speaker, her Majeſtie is ſingular in that ſhe is the Mother to the greateſt Prince that hath beene borne amongſt us above theſe hundred yeers, which cannot but work a tenderneſſe in us.

The Queene likewiſe may be another Inſtrument of happineſſe to us in her good affection to Parliaments, by a good hanſell in this. And I beleeve we ſhall ſee effects of it, for it neerly and wiſely concernes her Majeſtie, even in all the Relations that are moſt deare to her to contribute her beſt Aſſiſtance to Uphold the Government and greatneſſe of the kingdome. By which meanes alſo the king will be better enabled to make a further enlargement of his bounty towards her, in ſome degree proportionable.

Wherefore, Mr. Speaker, it will become this Houſe to ſhew our cheerfulneſſe in paſſing of the Bill.

Articles againſt Doctor *Piercie*, Biſhop of *Bath* and *Wells*; exhibited by Mr. *James* Miniſter within his Dioceſſe.

1 HEE hath *Ex officio* convented mee before him, for having two Sermons preached in my Church on Michaelmas day, to the great diſturbance & hinderance of the ſale of the Church Ale, as his Lordſhip pretended, and further examined me upon Oath, whether I had not the ſaid Sermons preached for the ſame purpoſe and intent, admoniſhing me for the future, neither to preach my ſelfe, nor ſuffer any other to preach in my Cure, in the afternoon, of either the Lords-day, or holy dayes.

2 I heard him ſay to his Regiſter, That whereas Information had been given concerning certain Miniſters, that they expounded upon the Catechiſme, this Information was too narrow to catch them, and therefore it ſhould have runne thus, that they Catechiſed or expounded upon the Catechiſme Sermon-wiſe, and then they would have been obnoxious to cenſure.

3 At the meeting to elect Clerks of the Convocation he threatned to ſend forth Cenſures of the Church, againſt all that would not pay in the Benevolence, late granted, in the late Synod, within a fortnight after the ſecond day of November laſt paſt; And further at the ſaid election, his ſonne gave eight ſingle voyces; two, as Arch-Deacon of *Bath*; two, as Prebend of the Church of *Wells*; two, as Parſon of *Buckland* Saint *Mary*;

Mary; two, as Vicar of *Kingsbury*: and many others also there present, gave as many double voyces, as they had Benefices and Dignities; against which one Mr. *Rosnell* protested, saying, that it was illegall; The Bishop replyed, that they gave in severall capacities, and thereupon commanded him silence, saying, that he was a young man.

4 That upon the meer Information of Mr. *Humphry Sydenham* Rector of *Buckington*, that in a certain Sermon Preached at the Visitation of the Arch Deacon of *Taunton*, I bespattered the Clergie; The Bishop summoned me before him down to *Wells*, and there objected unto mee, that I had preached a scandalous Sermon, wherein I had cast some aspersions on some of the Clergy. Upon which charge I proferd to bring in an exact Copy of the Sermon I preacht, and to depose, that I spake neither more nor lesse, then was contained in the said Copy; This the Bishop would not accept of, saying that he would not have the Ministers, who came to witnesse against mee, troubled with a second journey: One of my Proctors desired time, till the next Court day for me to give in my answer; the Bishop commanded him to hold his Peace, and the other Proctor though he was retained by me, & had received a Fee, never opened his mouth, pretending unto me, that because the Bishop was so highly displeased with mee, he durst not appeare in my behalf, being denyed time to give in my answer at the next Court day; I desired respit untill the afternoon, this also was denyed; In fine contrary to the rules of their own Court, he examined witnesses against me, and proceeded to Censure me, before he received my full answer, he would not heare the answer, which I could give to the Articles objected to me, which I proferd to give, and which he had by oath required me to give; further by vertue of the oath he administred unto me, he questioned me not only concerning

cerning matters of outward fact, but also concerning my most secret thoughts, intentions and aymes. Moreover whereas the witnesses confessed that I only said, in the foresaid Sermon, that some put the Scriptures into a staged dresse; the Bishop perswaded them, that, that expression was equivalent with the Article objected, that some mens Sermons were Stage Playes, and they by his perswasion, swore down right, that I said some mens Sermons were Stage Playes; The Doctor made an Act and Order, that I should make publique retractation, which I refused to doe, and appeald unto the Arches; But upon either the Bishops, or M. *Sidenhams* Information my Procter *Hunt* renounced my appeale, and Sir *John Lambe* dismissed the same cause, without hearing, unto the Bishop againe.

5 The Churchwardens of my Parish, by order from the Bishop, were enjoyned to turn the Communion Table, and place it Altar-wise, &c. Now they, that they might neither displease the Bishop, nor transgresse against the Rubrick of the Liturgie, made it an exact square Table, that so notwithstanding the Bishops order, the Minister might still Officiate at the North side of the Table; M. *Humphry Sydenham* informed against this, and upon Information, the Bishop sent to view it; and upon his view he certified the Bishop, that it was like an Oyster Table, whereupon the Bishop ordered the Churchwardens to make a new one.

6 Upon M. *Humphry Sydenhams* Information that M. *John Pym* was a Parliamenteer, the Bishop would not suffer me any longer to sojourn in his house, although before such Information he gave me leave: And when I demanded of some of his servants, the reason why his Lordship had thus changed his minde, they told me that his Lordship was informed by M. *Sydenham* that M. *Pym* was a Puritane.

The

The Lord *Andevers* ſpeech in March 1640. concerning the Star-Chamber.

MY Lords, ſince your Lordſhips have already looked ſo farre into priviledges of Peers, as to make a ſtrict inquiſition upon forraign honours: Let us not deſtroy that among our ſelves, which we deſire to preſerve from ſtrangers.

And if this grelvance I ſhall move againſt, have ſlept till now; It is very conſiderable leſt cuſtome make it every day more apparent than other: your Lordſhips very well know, there was a Statute framed, 3 *Hen.* 7. Authorizing the Chancellor, Treaſurer and Privy Seale, and the two Chiefe Juſtices calling to them one Biſhop, and a temporall Lord of the Kings Councell, to receive complaints upon Bill or information, and Cite ſuch parties to appeare as ſtand accuſed of any miſdemeanour, and this was the Infancy of the Starchamber, but afterwards the Starchamber was by Cardinall *Woolſey* 8 *H.* 8. raiſed to mans Eſtate, from whence (being now altogether unlimited) it is grown a Monſter, and will hourely produce worſe effects, unleſſe it be reduced by that hand which laid the foundation; for the Statutes that are ratified by Parliament admit of no other than a repeale.

Therefore I offer humbly unto your Lordſhips theſe enſuing Reaſons, why it ſhould be repealed.

Firſt the very words of the Statute cleerly ſhew that it was a needleſſe inſtitution, for it ſayes they who are to Judge, can proceed with no delinquent otherwiſe,

then if he were convicted of the same crime by due proces of Law.

And doe your Lordships holdth is a rationall Court that sends us to the Law, and calls us to the Law, and calls us back from it againe.

Secondly, divers Judicatories confound one another. *& in pessima republica plurima Leges.*

The second reason is from circumstance, or rather *à Consuetudine*, and of this there are many examples both domestique and forain; but more particularly by the Parliaments of France abbreviated into a standing Committee by *Philip* the King, and continued according to his Institution untill *Lewis* the eleventh came to the Crown, who being a subtill Prince buried the volume in the Epitome, for to this day, when ever the three Estates are called, either at the death of the old King, or to Crown the new, It is a common Proverb *Allons voire Le van des Estates*; My Lords Arbitrary judgements destroy the Common Laws, and in them the two great Charters of the Kingdome, which being once lost, we have nothing left but the name of liberty.

Then the last reason is (though it was the first cause of my standing up) the great Eclipse it hath ever been to the whole Nobility; For who are so frequently vexed there as Peers and Noblemen, and notwithstanding their appeale to this Assembly, is ever good whilst that famous Law of the 4 *Ed.* 3. remaines in force for the holding of a Parliament once a year or more if occasion require, yet who durst a year ago mention such a Statute, without the incurring the danger of M. *Kilverts* persecution? Therefore I shall humbly move your Lordships that a select Committee of a few may be named to consider of the act of Parliament it selfe, and if they shall thinke it of as great prejudice as I doe, that then the house of Commons in the most usuall manner

may be made acquainted with it either by Bill or conference, who also happily think it a burthen to the Subject, and so when the whole body of Parliament shall joyne in one supplication, I am confident his Majestie will desire that nothing shall remaine in force which his people doe not willingly obey.

Lunæ, the 10. of May, 1641.

IT is this day ordered by the House of Commons now assembled in Parliament, that the Lord Maior of London, the Justices of Peace of *Middlesex*, *Westminster*, and the Liberties of the Dutchie of *Lancaster*, and those of *Surrey*, that are for the Burrough of *Southwarke*, and the place ad joyning, doe imploy their best endeavors to prevent that none of the Kings Subjects doe frequent the houses of any the Embassadors, *Somerset-house*, or S^t. *James*, to heare Masse, And that they give an accompt to this House, of the Execution of this Order, at all such times, as by the said House they shall be required.

My Lord *Finch* his Letter to my Lord CHAMBERLAINE.

My most welbeloved Lord,

THe Interest your Lordship hath ever had in the best of my fortunes, and affections, gives me the Privi-ledges of troubling your Lordship with these few lines, from one that hath now nothing left to serve you withall but his Prayers: Those your Lordship shall never faile, with an heart as full of true affection to your Lordship, as ever any was. My Lord, it was not the losse of my place, and with that of my fortunes, nor being exiled from my deare Countrey and friends (though many of them were cause of sorrow) that afflicts, but that which I most suffer under, is that displeasure of the House of Commons conceived against me; I know a true heart I have ever borne towards them, and your Lordship can witnesse in part, what wayes I have gone in, but Silence and patience best becomes me, with which I must leave my selfe, and my Actions to the favourable construction of my Noble Friends, in which number your Lordship hath a prime place; I am now at the *Hague*, where I arrived on Thursday the last of the last moneth, where I purpose to live in a fashion agreeable to the poorenesse of my fortunes, for my humbling in this world, I have utterly cast off the thoughts of it, and my aime shall be to learne to number my daies, that I may apply my heart unto wisdome, that wisdome that shall wipe all teares from mine eyes, and heart, and lead me by the hand to true happinesse, which

which can never be taken from me. I pray God of heaven blesse this Parliament with a happy, both progresse and conclusion: if my ruine may conduce but the least to it, I shall not repine at it; I truly pray for your Lordship, and your Noble Family, that God would give an increase of all worldly blessings, and in the fulnesse of dayes, to receive you to his glory; if I were capable of serving any body, I would tell your Lordship, that no man should be readier to make knowne his devotion, and true gratitude to your Lordship, then

Your Lordships most humble, and affectionate poore kinsman and servant, J. F.

Hague, Jan. 3.
1640.

The Lord KEEPERS Speech TO HIS MAJESTIE,

at the Banquetting-house at *Whitehall*, in the name of both Houses.

May it please Your Majestie,

I Am to give your Majestie most humble and heartie thanks in the name of both houses of Parliament, and this whole Kingdome, for the speedy and gracious Royall assent unto the Bill, Entitled, An act for preventing of inconveniences happening by the long intermission

of Parliaments, which as it is of singular comfort and securitie for all your Subjects for the present, so they are confident it will be of infinite honor and setlement of Your Majesties Royall Crowne and dignitie, as well as comfort to their posteritie.

The Declaration of the *Scots* Commissioners to the House of Parliament, touching the maintenance of their Army.

March, the 16th, 1640.

IN the midst of other matters, necessitie constraineth us to shew your Lordships that fourescore thousand pounds and above of the Moneys appointed for reliefe of the Northerne Countreys, there is no more paid but 18000l. the Country people of those Countreys have trusted the souldiers so long as they are become weary and unable to furnish them, their cattell and victuall being so fasre exhausted and wasted, as it is scarce able to entertain themselves; The Markets are decayed because there is no mony to buy their Commodities, and are become so deare, that no sort of victuall is sold, but at a double rate; And which is hardest of all, the Army is stinted by the Articles of Cessation to stay within these two Countryes, whose provisions are all spent, expecting from time to time the payment of those moneys, which were

were promiſed for their reliefe, and are reduced to ſuch extremity, as they muſt either ſtarve, or (ſore againſt their will) breake their limited bounds, unleſſe ſome ſpeedy courſe bee taken for their more timous payment, that ſo

And becauſe the continued payment of that monethly ſumme, for reliefe of the Northerne Countreyes, is a Burthen to the Kingdome of *England*, our Army is a trouble to the Country where they reſide, our charges of entertaining our Army (beſides what is allowed from *England*) is exceeding great; And our loſſes and prejudice through abſence and neglect of our affaires not ſmall, Therefore that all evills, and troubles of both Kingdomes may be removed, it is our earneſt deſire that the Parliament may be pleaſed to determine the time and manner of Payment of the 300000l. which they were pleaſed to grant towards reliefe of their Brethren, that there may be no let about this, when matters ſhall be drawing towards an end, And that his Majeſty and they may give order for Accelerating matters in the treaty, that the peace being concluded, *England* may be eaſed of the burthen of two Armies, and we may returne to our owne homes, which is our earneſt deſire.

Ad. Blaire.

The

The Remonstrance of both the Houses of Parliament unto the King, delivered by the Lord Keeper, January the 29th 1640.

May it please your Majesty,

YOUR loyall Subjects, the Lords and Commons, now assembled by your Majesties Writ in the high Court of Parliament, humbly represent unto your gracious consideration that Jesuits and Priests ordained by authority from the Sea of *Rome*, remaining in this Realme, by a Statute made in the 27 year of Queen *Elizabeth* are declared Traytors, and to suffer as Traytors.

27 *Eliz. cap.* 2. That this law is not so rigorous, as some apprehend, or would have others to beleeve, for that it is restrayned to the naturall born Subjects only, and doth not extend to any strangers at all.

1 *Jac. cap* 4. That it is enacted in the first year of King *James*, that all Statutes made in the time of Queen *Elizabeth*, against Priests and Jesuits, be put in due and exact execution.

And for further assurance of the due execution of these laws, the Statute of the third year of King *James* invites men to the discovery of the offenders, by rewarding them with a considerable part of the forfeiture of the Recusants estate.

So

te of Queen *Elizabeth*, not only approved, but by the judgement of ſeverall Parliaments in the time of King *James* of happy memory adjudged fit and neceſſary to be put in execution.

That conſidering the ſtate and condition of this preſent time, they conceive this law to be more neceſſary to be put in ſtrict execution, then at any time before; & that for divers weighty and conſiderable reaſons, *viz.* For that by divers Petitions from the ſeverall parts of this Kingdome, complaints are made of the great increaſe of Popery and Superſtition, and the people call earneſtly to have the laws againſt Recuſants put in execution; Prieſts and Jeſuits ſwarme in great abundance in this Kingdome, and appeare here with ſuch boldneſſe, and confidence, as if there were no laws againſt them.

That it appeares unto the Houſe of Commons by proofe, that of late years about the City of *London* Prieſts and Jeſuits have been diſcharged out of Priſon, many of them being condemned of high Treaſon.

They are credibly informed that at this preſent the Pope hath a *Nuncio*, or Agent reſident in the City, and they have a juſt cauſe to believe the ſame to be true.

The Papiſts, as publiquely, and with as much confidence and importunity reſort to Maſſe at *Denmark* houſe, and St. *James*, and the Embaſſadors Chappels, as others doe to their Pariſh Churches: They conceive the not putting of theſe Statutes in execution againſt Prieſts and Jeſuits, is a principall cauſe of increaſe of Popery.

That the putting of theſe laws in execution, tendeth not only to the preſervation and advancement of the true Religion eſtabliſhed in this Kingdome; but alſo the ſafety of your Majeſties perſon, and ſecurity of the State & Government, which were the principall cauſes of the making of the Laws againſt Prieſts and Jeſuits, as is manifeſtly declared in the preamble of the laws themſelves,

ſelves, which are the beſt interpreters of the mindes of the makers of them.

And becauſe the words being penned by the adviſe and wiſdome of the whole ſtate, are much more full and clear then any particular mans expreſſion can be, they were therefore read, as they are vouched, thoſe of the 27 year of Queen *Elizabeth*, being thus, *viz.*

That the Prieſts and Jeſuits come hither, not only to draw the Subjects from their true obedience to the Queen, but alſo to ſtir up Sedition, Rebellion, and open hoſtility within the Realme; to the great endangering of the ſafety of her Royall Perſon, and to the utter ruin, deſolation, and overthrow of the whole Kingdom, if not timely prevented; and the tenor of the words of the third year of King *James* are in this manner, *viz.*

Whereas divers Jeſuits and Prieſts doe withdraw many of his Majeſties Subjects from the true ſervice of Almighty God, and the Religion eſtabliſhed within this Realme, to the Romiſh Religion, and from their loyall obedience to his Majeſtie; and have of late ſecretly perſwaded divers Recuſants, and Papiſts, and encouraged and imboldned them to commit moſt damnable Treaſons tending to the overthrow of the whole State and Common Wealth; If God of his goodneſſe and mercy had not within few houres of the intended time of the execution thereof, revealed and diſcloſed the ſame.

The Houſes did further informe, that ſome Jeſuits and Prieſts had been executed in the time of Queen *Elizabeth*, and King *James* of happy memory; and when any of them have received mercy, it was in ſuch time, and upon ſuch circumſtance, as that the ſame might be extended unto them without dangers, whereas now of late, there hath been a great apprehenſion of endevours by ſome ill agents, to ſubvert Religi-

on;

on; and at this preſent both Kingdomes have a generall expectation of a through reformation.

And there is already found ſo ill a conſequence of the the late reprieve of *John Goodman* the Prieſt; that the Houſe of Commons having ſent to the Citizens of *London* for their aſſiſtance in the advancement of money, for the preſent and neceſſary ſupply of his Majeſties army, and reliefe of the Northern Counties: upon this occaſion, they have abſolutely denyed to furniſh the ſame: and how far the like diſcontent may be effuſed into other parts of the Kingdom, to the interruption of the levying of the Subſidies, the houſes leave to your Majeſties conſideration. It is found that *Goodman* the Prieſt hath been twice formerly committed and diſcharged. That his reſidence now about *London*, was in abſolute contempt of your Majeſties Proclamation, as the Houſes are credibly informed, that he hath been ſometimes a Miniſter in the Church of England, and conſequently is an Apoſtate; both Houſes are very ſenſible that any man ſhould preſume to intercede with your Majeſty in a caſe of ſo high a nature.

They humbly deſire that a ſpeedy courſe may be taken for the due execution of the laws againſt the Prieſts and Jeſuits, that all miſchiefes before mentioned may be timely remedied by your Majeſties great wiſdome.

And laſtly, that *Goodman* the Prieſt be left to the juſtice of the law.

The Earle of *Straffords* Letter, to his moſt Excellent Majeſty, dated from the *Tower* the 4th of *May*, 1641.

May it pleaſe your ſacred Majeſty,

IT hath been my greateſt griefe in all theſe troubles, to be taken as a perſon which ſhould endeavour to repreſent and ſet things amiſſe between your Majeſty and your People; and to give counſels tending to the diſquiet of the three Kingdomes.

Moſt true it is, that this mine own private Condition conſidered, it had been a great madneſſe, ſince through your gratious favour I was ſo provided, as not to expect in any kind to mend my fortune or pleaſe my mind more, then by reſting where your bounteous hands had placed me.

Nay, it is moſt mightily miſtaken, for unto your Majeſty it is well known, my poore, and humble adviſes concluded ſtill in this, That your Majeſty and your people could never be happy, till there were a right underſtanding betwixt you and them: no other means to effect, and ſettle this happineſſe, but by the Counſell, and aſſent of the Parliament; or to prevent the growing Evils upon this ſtate, but by intirely putting your ſelf in the laſt reſort, upon the loyalty, and good affections of your Engliſh ſubjects.

Yet ſuch is my misfortune, this truth findeth little credit,

credit, the contrary ſeemeth generally to be believed, and my ſelfe reputed, as ſome thing of Separation between you, and your people; under a heavier cenſure then which, I am perſwaded no Gentleman can ſuffer.

Now, I underſtand the minds of men are more incenſed againſt me, notwithſtanding your Majeſty hath declared, that in your princely opinion, I am not guilty of Treaſon, nor are you ſatisfied in your conſcience to paſſe the Bill.

This bringeth me into a very great ſtraight, there is before me the ruine of my Children, and family hitherto untouched in all the branches of it with any foule Crimes. Here is before me the many ills, which may befall your Sacred perſon, and the whole Kingdome, ſhould your ſelfe, and Parliament part leſſe ſatisfied one with the other, then is neceſſary for the preſervation both of King and People. Here are before me the things moſt valued, moſt feared, by mortall man, *Life*, or *Death*.

To ſay Sir, that there hath not been a ſtrife in me, were to make me leſſe man, then God knoweth my infirmities give me. And to call a deſtruction upon my ſelfe, and young Children, where the Intentions of my heart at leaſt have been innocent of this great offence may be believed, will find no eaſie conſent from Fleſh and blood.

But with much ſadneſſe, I am come to a reſolution of that which I take to be beſt becomming me, to look upon that which is moſt principall in it ſelfe; which doubtleſſe is the proſperity of Your ſacred Perſon, and the Common-Wealth, infinitely before any private mans intereſt.

And therefore in few words, as I put my ſelfe wholly upon the honour, and juſtice of my Peers ſo clearly, as to beſeech your Majeſty might pleaſe to have ſpared that declaration of yours on Saturday laſt, and intirely

to have left me to their Lordſhips, ſo now, to ſet your Majeſties conſcience at liberty, I doe moſt humbly beſeech your Majeſty, in prevention of miſtakes which may happen, by your refuſall, to paſſe this Bill; And by this means remove (praiſed be God) I cannot ſay, this accurſed, (but I confeſſe) this unfortunate thing forth of the way, towards that bleſſed agreement, which God, I truſt, ſhall ever Eſtabliſh between you, and your ſubjects.

Sir my conſent ſhall more acquit you herein to God, then all the world can do beſides. To a willing man there is no injury done. And as by Gods grace I forgive all the world with a calmnes and meeknes of infinite Contentment to my diſlodging ſoule; So, Sir, to you can I give the life of this world, with all the cheerfulneſſe imaginable; in the juſt acknowledgement of your exceeding favours. And only beg that in your goodneſſe, you would vouchſafe to caſt your gratious regard upon my poor Sonne, and his three Siſters, leſſe, or more, and no otherwiſe, then as their (in preſent) unfortunate Father, may hereafter appeare more, or leſſe guilty of this death.

God long preſerve your Majeſty.

Your Majeſties moſt faithfull, and
humble Subject, and Servant.

Tower
4 May 1641. STRAFFORD.

The

The Petition of the EARLE of STRAFFORD unto the *Lords* before he Dyed.

To the Right Honourable the Lords *Spirituall and Temporall, in this present* Parliament *assembled.*

THE humble Petition of *Thomas* late Earle of *Strafford*; Sheweth that seeing it is the good will and pleasure of God that your Petitioner is now shortly to pay that duty which we all ow to our fraile nature; He shall in all Christian Patience and Charity conform, and submit himselfe to your Justice, in a comfortable assurance of the great Hope, laid up for us in the Mercy and Merits of our Saviour blessed for ever.

Only he humbly craves, to return your Lordships most humble thanks for your Noble Compassion towards those innocent Children; whom now with his last blessing he must commit to the protection of Almighty GOD, beseeching Your Lord-ships to finish your Pious intentions towards them: And desiring that the reward thereof may be fulfill'd in You, by him that is able to *give above all we are able either to aske or think*. Wherein I trust the Honourable House of Commons will afford their Christian assistance.

And so beseeching your Lord-ships charitably to forgive all his omissions and infirmities, he doth very heartily and truly recommend Your Lordships to the Mercies of Our Heavenly Father, and that for his goodn. sse he may perfect you in every good work. *Amen.*

Tho. Wentworth.

Lord FAULKLANDS firſt ſpeech in *Parliament*.

I Rejoyce very much to ſee this day; and the want hath not lain in my affections, but my lungs. If to all that hath bin paſt, I have not been as loud with my voice as any mans in the houſe, yet truly my opinion is; we have yet done nothing, if we doe no more: I ſhall add what I humbly conceive ought to be added, as ſoone as I have ſaid ſomething, with references to him that ſaies it: I will firſt deſire the forgiveneſſe of the Houſe, if ought I ſay ſeem to entrench upon anothers profeſſion, and enter upon the work of another robe.

Since I have bin intruſted by the report of a learned Committee, and confirmed by the uncontradicted rule of the Houſe, ſince I ſhall ſay nothing of this kind, but in order to ſomewhat further.

And which moves me moſt to venture my opinion, and to expect your pardon, ſince I am confident, that Hiſtory alone is ſufficient to ſhew this judgement contrary to our Laws, and Logick alone ſufficient to prove it deſtructive to our propriety, which every free, and noble perſon values more then his poſſeſſion. I will not profeſſe I know of my ſelfe, and all thoſe who know me, know that my naturall diſpoſition is to decline from ſeverity, much more from cruelty.

That I have no particular provocations from their perſons, and have particular Obligations to their calling againſt whom I am to ſpeak.

And though not ſo much, yet far more then I have, ſo I hope it will be believed, that only publick intereſt have

have extorted this from me, and that which I would not say, if I conceived it not so true, and so necessary that no undigested meat can lie havier upon the stomach, then this unsaid would have lain upon my Conscience.

Mr. *Speaker*, the constitution of this Commonwealth hath Established, or rather endeavored to Establish to us the security of our goods, and the security of those Laws which would secure us and our goods, by appointing for us Judges so settled, so sworn, that there can be no oppression, but they of necessity must be accessary; since if they neither deny, nor delay us Justice, which neither for the great nor little scale, they ought to doe; the greatest Person in this Kingdome cannot continue the least violence upon the meanest; But this security, Mr. *Speaker*, hath been almost our ruine, for it hath been turned, or rather turned it self into a Battery against us: And those persons who should have been as Dogs to defend the Sheep, have been as Wolves, to worry them.

These Judges, M. *Speaker*, to instance not them onely, but their greatest crime, have delivered an opinion, and judgement in an extrajudiciall manner, that is, such as came not within their cognizance, they being Judges, and neither Philosophers, nor Politicians; In which when that is so absolute and evident, the law of the land ceases, and of generall reason and equity, by which particular laws at first were framed, returnes to his throne and government, wher *e salus populi* becomes not only *suprema*, but *sola lex*; at which, and to which end, whatsoever should dispence with the King, to make use of any money, dispences with us, to make use of his, and one anothers. In this judgement they contradicted both many and learned Acts and Declarations of Parliaments; and those in this very case, in this very reign, for which on them they needed to have consulted

with no other record, but with their memories.

2 They have contradicted apparent evidences by, supposing mighty and eminent dangers, in the most Cerene, quiet, and halcian dayes that could possibly be imagined, a few conceptible pirats, being our most formidall enemies, and there being neither Prince nor State, with whom we had either Alyance, or Amity, or both.

3 They contradict the writ it selfe, by supposing that supposed danger to be so suddaine, that it would not stay for a Parliament, which required but forty daies stay, and the writ being in no such haste, but being content to stay seven times over.

Mr. *Speaker*, it seemed generally strange, that they saw not the Law which all men else saw, but themselves. Yet though this begot the more generall wonder, three other particulars begot the more generall indignation.

The first of all the reasons for this judgement, was such that they needed not any from the adverse party to help them to convert those few, who before the last suspition of the legallity of that most illegall writ, there being fewer that approved of the judgement, then there were that judged it, for I am confident they did not that themselves.

Secondly, when they had allowed to the King, the sole power in necessity, the sole judgement of necessity, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continued to perswade us that they had left us our liberties and proprieties.

The third and last is, and which I confesse moved most, That by the transformation of us from the state of free subjects (a good phrase Mr. *Speaker*, under Doctor *Heylens* favor) unto that of Villeins, they inable us by Legall and voluntary supplies to expresse our affections

fections to his Majesty, and by that to cherish his to us, that is by Parliaments.

M. *Speaker*, the cause of all the miseries we have suffered, and the cause of all our jealousies we have had, that we should yet suffer; is, That a most excellent Prince hath been most infinitely abused by his Judges, telling him that by policy he might doe what he pleased; with the first of these we are now to deale, which may be a leading to the rest. And since in proving of these Laws, upon which these men have trampled, our Ancestours have shewed their utmost care and wisdome, for our unaffected security, words having done nothing, and yet have done all their words can doe, we must now be forced to think of abolishing of our grievances, & of taking away this judgement, and these Judges together, and of regulating their successors by their exemplary punishment.

I will not speak much; I will only say we have accused a great Person of high Treason, for intending to subvert our fundamentall Laws, and to introduce arbitrary Government, which we suppose he meant to doe, we are sure these have done it, there being no Law more fundamentall, than that they have already subverted, and no government more absolute, than they have really introduced: Mr. *Speaker*, not only the severe punishment, but the suddaine removall of these men, will have a suddain effect in one very considerable consideration.

We only accuse, and the House of Lords condemn; In which condemnation they usually receive advise (though not direction) from the Judges, And I leave it to every man to imagine how prejudiciall to us, that is, to the Common wealth, and how partiall to their fellow malefactors, the advice of such judges is like to be. How undoubtedly for their own sakes, they will conduce to their power, that every action be judged to be a lesse fault, and every person to be lesse faulty, then in

Juſtice they ought to doe; Amongſt theſe, Mr. Speaker, there is one that I muſt not loſe in the crowd, whom I doubt not but we ſhall finde when we examine the reſt of them, with what hopes they have been tempted: by what fears they have been aſſaid, and by what, and by whoſe importunity they have been purſued, before they conſented to what they did; I doubt not I ſay, but wee ſhall then finde him to have been a moſt admirable ſolicitor, but a moſt abominable Judge; hee it is who not only gave away with his breath, what our Anceſtors had purchaſed for us by ſo large an expence of their time, their care, their treaſure, and their blood, and imployed their induſtry, as great as his injuſtice, to perſwade others to joyne with him in that deed of gift, but ſtrove to root up thoſe liberties which they had cut downe; and to make our grievances immortall, and our ſlavery irreparable, leſt any part of our poſterity might want occaſion to curſe him; He declared that power to be ſo inherent to the Crowne, as that it was not in the power even of Parliaments to divide them.

I have heard, Mr. Speaker, and I thinke here that common Fame is ground enough for this Houſe to accuſe upon; And then undoubtedly enough to be accuſed upon in this Houſe: She hath reported this ſo generally, that I expect not that you ſhould bid me name him whom you all know, nor doe I looke to tell you newes, when I tell you it is my Lord Keeper. But this I think fit to put you in minde, That his place admits him to his Majeſtie, and truſts him with his Majeſties conſcience; and how pernicious every moment, whilſt one gives him means to infuſe ſuch unjuſt opinions of this Houſe, as are expreſt in a Libell, rather then a Declaration, of which many believe him to be the principall Secretary, and th' other puts the vaſte and moſt unlimited power of the Chauncery into his hands, the leaſt of which will be dangerous; for my part, I thinke no man ſecure, that he ſhall thinke himſelfe worth any thing when he riſes,

whileſt

whilſt all our eſtates are in his breaſt, who hath ſacrificed his Countrey to his ambition, whilſt hee who hath proſtrated his owne conſcience, hath the keeping of the Kings, and he who hath undone us already by wholeſale, hath a power left in him by retaile.

Mr. Speaker, in the beginning of the Parliament he told us, and I am confident, every man here believes it before he told it, and never the more for his telling, though a ſorry witneſſe is a good teſtimony againſt himſelfe; That his Majeſtie never required any thing from any his Miniſters but Juſtice, and Integrity. Againſt which, if any of them have tranſgreſt, upon their heads, and that deſervedly, it ought to fall; It was full and truly; but he hath in this ſaying pronounced his owne condemnation; we ſhall be more partiall to him then he is to himſelf, if we be ſlow to purſue it. It is therefore my juſt and humble motion, That wee may chuſe a ſelect Committee to draw up his and their charge, and to examine their carriage in this particular, to make uſe of it in the charge, and if he ſhall be found guilty of tampering with Judges againſt the publike ſecurity, who thought tampering with witneſſes in a private cauſe, worthy of ſo great a Fine, if he ſhall be found to have gone before the reſt to this Judgement, and to have gone beyond the reſt in this Judgement, that in the puniſhment for it, the Juſtice of this Houſe may not denie him the due honor both to preceed and exceed the reſt.

Sir

Sir JOHN CULPEPPERS Speech in the Commons Houſe of Parliament.

9°. *Novemb.* 1640.

Mr. SPEAKER,

I ſtand not up with a Petition in my hand. I have it in my mouth, and have it in charge from them that ſent me hither, humbly to preſent to the conſideration of this Houſe the grievances of the County of *Kent*; I ſhall only ſumme them up; they are theſe,

First, the great increaſe of Papiſts by the remiſſe execution of thoſe lawes which were made to ſuppreſſe them: the life of the law is execution; without this, they become a dead letter; this is wanting, and a great grievance.

The ſecond, is the obtruding and countenancing of divers new Ceremonies in matters of Religion, as placing the Communion Table Altar-wiſe, and bowing or cringing to, or towards it, the refuſing of the holy Sacrament to ſuch as refuſe to come to the Rayles, Theſe carry with them ſome ſcandall, and much offence.

The third, is Military charges, and therein firſt, that of Coate and Conduct money, required as a loane, preſſed as a due, in each reſpect equally a grievance. The ſecond is the enhancing the price of Powder, whereby the Trayned Bands are much diſcouraged in their exerciſing: howſoever this may appeare *prima facie*, upon due

due examination it will appeare a great grievance. The third is more particular to our County: It is this; The laſt Summer was twelvemonth, 1000. of our beſt Arms were taken from the owners, and ſent into *Scotland*: The compulſary way was this; If you will not ſend your Arms you ſhall goe your ſelves. M. *Speaker*, the trayned Band is a *Militia* of great ſtrength and honor, without charges to the King, and deſerves all due encouragement.

The fourth, is the Canons, I aſſigne theſe to bee a grievance; Firſt, in reſpect of the matter, beſides the &c. Oath. Secondly, in reſpect of the makers, they were choſen to ſerve in a Convocation; that falling with the Parliament, the Scene was altered; The ſame men without any new election, ſhuffled into a ſacred Synod. Thirdly, in reſpect of the conſequence, which in this age, when the ſecond ill preſident becomes a Law, is full of danger. The Clergy, without confirmation of a Parliament, have aſſumed unto themſelves power to make Lawes, to grant Reliefe by the name of benevolence, and to intermeddle with our free-hold by ſuſpenſions and deprivation, This is a grievance of a high nature.

The next grievance is the Ship-money; This cries aloud, I may ſay, I hope without offence, This ſtrikes the firſt born of every family, I meane our inheritance; If the Lawes give the king power, in any danger of the kingdom, whereof hee is Judge, to impoſe what and when hee pleaſe; wee owe all that is left, to the goodneſſe of the King, not to the Law, M. *Speaker*, this makes the Farmors faint, and the Plough to goe heavy.

The next is the great decay of cloathing and fall of our woolls; Theſe are the golden Mines of *England* which gives a foundation to that trade which we drive with all the World; I know there are many ſtarres concurre in this conſtellation, I will not trouble you with more than one cauſe of it, which I dare affirme to

bee

be the greateſt. It is the great cuſtomes and impoſitions laid upon our Cloath, and new Draperies: I ſpeak not this with a wiſh to leſſen the King revenews, ſo it be done by Parliament; I ſhall give my voice to lay more charge upon the ſuperfluities, due regard being had to trade, which we import from all other Nations: ſure I am that thoſe impoſitions upon our native commodities are dangerous, give liberty to our neighbours to underſell; And I take it for a rule, that beſides our loſſe in trade, which is five times as much as the King receiveth, what is impoſed upon our Cloaths, this is taken from the rent of our lands. I have but one grievance more to offer unto you: But this one compriſeth many, It is a neaſt of waſpes, or ſwarm of vermine, which have overcrept the land, I mean the Monopoles and Polers of the people; Theſe like the Frogs of Ægypt have gotten poſſeſſion of our dwellings, and have ſcarce a room free from them: They ſup in our Cup, they dip in our Diſh, they ſit by our fire, we finde them in the Dy fat, waſh-boule, and Poudering tub, they ſhare with the Butler in his box, they have marked and ſealed us from head to foot. Mr. *Speaker*, they will not bate us a Pin: we may not buy our own Cloathes without their brokage; Theſe are the Leeches that have ſuckt the Common wealth ſo hard, that it is almoſt become hecticall: And Mr. *Speaker*, ſome of theſe are aſhamed of their right names; they have a vizard to hide the brand made by that good law in the laſt Parliament of King *James*; They ſhelter themſelves under the name of a Corporation, they make by-laws which ſerve their turns to ſqueeſe us, and fill their purſes; unface theſe and they will prove as bad Cards as any in the pack; Theſe are not petty Chapmen, but wholeſale men. Mr. *Speaker*, I have ecchoed to you the cryes of the kingdome, I will tell you their hopes: they look to Heaven for a bleſſing upon this Parliament, they hang upon his Majeſties exempla-

exemplary piety and great juſtice, which renders his eares open to the juſt complaints of his Subjects; we have had lately a gratious aſſurance of it, they are the wiſe conduct of this, whereby the other great affaires of the Kingdome, and this our grievance of no leſſe import; And this may go hand in hand, in preparation and reſolution; Then by the bleſſing of God we ſhall return home with an Olive branch in our mouths, and full confirmations of the priviledges, which we received from our Anceſtors, and ow to our poſterity, which every freeborn Engliſh man hath received with the aire he breathed in.

Theſe are our hopes, Theſe are our prayers.

Mr. BAGSHAW his ſpeech in Parliament, 7 *die Novemb.* 1640.

Mr. Speaker,

I Had rather Act then ſpeak in thoſe weighty buſineſſes of the Kingdome, which have been ſo excellently handled by theſe foure worthy Gentlemen, that ſpake laſt, and therefore I ſhall be ſhort. For when I look upon the Body of this goodly and flouriſhing Kingdom in matters of Religion, and of our lawes, (For like *Hippocrates* Twins, they live and dye together) I ſay when I behold theſe in that ſtate and plight, as they have been repreſented to us, *Flere magis libet quam dicere*; But this is our comfort, Mr. *Speaker*, that we are all met together for the welfare and happineſſe of Prince and People; And who knows whether this may not be the appoin-

ted time, wherein God will reſtore our Religion as at the firſt, and our laws as at the beginning.

The honour of a King conſiſteth in the weale of his people: this undoubted maxime his Majeſty hath made good by his late gracious ſpeech and promiſe to us to redreſſe all our grievances, to deſtroy the enemies of our Peace, and plenty.

To make a people rich, they muſt have eaſe & juſtice. Eaſe in their Conſciences from the bane of Superſtition, from the intolerable burthen of innovation in Religion, and from the racks and tortures of ſtrange and newfangled Oaths. They muſt be eaſed in their perſons, being *liberi homines*, and not *Villanes*; All illegall arreſts and impriſonment againſt *Magna Charta*, being our greateſt liberties. They muſt be eaſed in their lands from Forreſt, where never any Deer fed, from depopulations, where never any Farm was decayed, and from incloſures, where never any hedges were ſet. But muſt laſtly be eaſed in their goods from their exactions and expilations of Purſevants and Apparitors, of Projectors and Monopoliſts, *Humanarum Calamitatum mercatores*, as an ancient finely calls them: and if the people have all theſe eaſements, yet if they have not Juſtice, they cannot ſubſiſt; juſtice is to the Civill body, as food to the naturall; If the ſtreams of Juſtice be by unrighteouſneſſe turned into Gall and Wormword, or by cruelty, like the Ægyptian waters, be turned into blood, thoſe which drink of theſe brooks muſt needs dy and periſh.

The Law ſaith that all Juſtice is in the King, who is ſtiled in our book *Fons Juſtitie*, and he commits it to his Judges, for the execution wherein he truſts them with two of the chiefeſt flowers, which belong to his Crown: The adminiſtration of his juſtice, and the expoſition of his laws: but he will not truſt them without an Oath required of them, by the Statute of 18 E. 31. Which is ſo ſtrict and ſevere, that it made a Judge whom

whom I know, though honeſt and ſtrict, yet to quake and tremble at the very mention of it. The effect of the Oath is, that they ſhould doe equall law, and execution of right to all the Kings Subjects, poore aſwell as rich, without regard of any perſon.

That they ſhould not deny to doe common right to any man by the Kings letters; and for any other cauſe: And in caſe ſuch letters do, that they proceed to do come the law notwithſtanding ſuch letters, or for any other cauſes, as they will anſwer to the King, in bodies, goods, and lands: how this Oath hath been performed, we have ſeen and felt; I need ſay no more. But when I caſt mine eyes upon the inferiour Courts of Juſtice, wherein no ſuch oath is required; I meane, the High Commiſſion, and other Eccleſiaſticall Courts, my ſoule hath bled for the wrong preſſures which I have obſerved to have been done and committed in theſe Courts, againſt the Kings good people; eſpecially for the moſt monſtrous abuſe of the Oath *Ex Officio*, which, as it is now uſed, I can call no other than *Carnificina Conſcientiæ*: I have ſome reaſon to know this, that have been an Attendant to the Court theſe five yeeres for my ſelfe, and a deare friend of mine, ſometimes Knight of our Shire, for a meer triviall buſineſſe; that the moſt that could be proved againſt him, was the putting on his hat in the time of Sermon. Of which Court I ſhall ſay more, and make good what I ſay, when thoſe ulcers come to be opened.

Mr. *Speaker*, I ſay theſe foure worthies that ſpake before me, have told you of our miſeries; but I cannot tell you of the remedies: For things are come to that height, that I may ſay, as *Livy* ſayd of the Roman ſtate in his time, *Nec Vitia noſtra ſcire poſſumus nec Remedia*; for no Laws will now doe us good; Better Laws could not have been made, then the Stat. of Monopolies, againſt Projectors, and the Petition of right againſt the infringers of liberties; and yet as if the Law had bin the Au-

thor of them, there hath been within theſe few years more Monopolies and infringment of liberties, than hath been in any age ſince the Conqueſt: and if all thoſe vile Harlets, as Queen *Elizabeth* called them, that have been the Authors of thoſe Evils and the Troublers of our *Iſrael* doe go unpuniſhed; it will never be better with us; for now during Parliament, like frozen Snakes their poyſon dryes up, but let the Parliament diſſolve, and then their poyſon melts and ſcatters abroad, and doth more hurt then ever. What then muſt be done? Why? what the Playſter cannot doe, muſt be done by the Law: *Enſe recidendum eſt, ne pars ſincera trahatur.* I can not better Engliſh it, then in the words of a King, Let them be cut of in their wickedneſſe, that have framed miſchiefe as a Law. My concluſion, Mr. *Speaker*, is this; Let the wofull violation of the State of Monopolies, and the Petition of Right be made Felony, or Premunire at the leaſt, but yet in the interim let them be made examples of puniſhment, who have been the Authors of all thoſe miſeries, according to the Counſell of *Salomon*, *Take away the wicked from before the King, and his Throne ſhall be Eſtabliſhed in Righteouſneſſe.*

To the right Honorable the Lords Spirituall and Temporall in the high Court of Parliament aſſembled,

The humble Petition of Thomas *Earle of* Strafford *his Majeſties Lievtenant Generall of* Ireland

Moſt humbly ſheweth,

THat in obedience to your Lordſhips order, and in due reſpect and acknowledgment of your noble ju-

juſtice you vouchſafed this your Petitioner the other day, he now expreſſeth in writing that humble requeſt that he then made, concerning the examining of witneſſes; which, with your Lordſhips favor, was this,

1 That there might be no admiſſion of any examination of witneſſes in the cauſe, till your Petitioner hath put in his anſwer to the charge of Treaſon, exhibited againſt him.

2 That after anſwer, no witneſſes ſhould be examined, before your Petitioner had the names of ſuch witneſſes delivered unto him by your Lordſhips order, to the intent (as by his Councell he ſhould be adviſed) he might either except againſt ſuch witneſſes, or croſſe-examine them.

3 That before either of theſe two points ſhould be over-ruled againſt your Petitioner, your Lordſhips would be honorably pleaſed to heare him by his Councell, at the Barre, to ſhew cauſe why he humbly conceives his deſires herein to be juſt and reaſonable.

Finally, your Petitioner humbly craves your Lordſhips remiſſion, if his Petition be not ſo formall as it ought, and might be, had he the help of Councell: And ſhall ever with all expreſſion of duty and thankfulneſſe, retaine in full memory your Lordſhips moſt honourable Juſtice, and noble reſpects to your Petitioner the other day; and pay your Lordſhips the duties of this whole life for the ſame; and alwayes, and unfainedly pray for your moſt noble Lordſhips increaſe of all everlaſting honour and happineſſe.

Concerning the Prices of Wine, &c.

Die Mercurii, Maii 26. 1641.

UPon the whole matter of the Report,
It was *reſolved upon the queſtion*,

1 That the Patent for the payment of 40 ſhillings *per* Tun on the Wines by the Merchants, is illegall in the creation, and a grievance.

2 That the impoſition of a penny on a quart on French Wines, and two pence on a quart on Spaniſh Wines, is a grievance.

3 That the Patent of the impoſition of 40 ſhillings *per* Tun, is a grievance in the execution.

4 That Alderman *Abel*, and Maſter *Richard Kilvert* are the principall Projectors both in the creation and execution of this illegall impoſition of 40 ſhill. *per* Tun.

Reſolved upon the queſtion,

That there ſhalbe a Bill prepared, declaring the offences of Alderman *Abel*, and *Richard Kilvert*, to the end they may be made exemplary.

Reſolved,

Reſolved, &c

That a ſelect Commitee be named, to examine who were the Referrers Adviſers, Sharers, Complotters and Contractors, and thoſe that have received any bribe or benefit by this Patent, and who drew the Patent.

Reſolved, &c.

That the Proclamation dated the 15th of July, in the 14th yeare of the King, prohibiting the Wine-Coopers to buy and ſell Wine, is illegall, and againſt the liberty of the Subject.

Reſolved, &c.

That the Decree made in the Star-chamber in December 1633. prohibiting retailing Vintners to dreſſe meat in their own houſes, to ſell againe to gueſts, is illegall, and againſt the liberty of the Subject.

Sir *Thomas Rowe* his Speech at the Councell Table, touching Braſſe-Mony, or againſt Braſſe-Money, with many notable obſervations thereupon, *July*, 1640.

MY *Lords*, ſince it hath pleaſed this Honorable table, to command amongſt others my poore opinion concerning this waighty propoſition of money, I muſt humbly crave pardon, if with that freedome that becometh my duty to my good and gracious Maſter, and my obedience to your great commands, I deliver it ſo.

I cannot my Lords, but aſſuredly conceive this intended project of infeobling the Coyn, will trench very far both into the honor of Juſtice, and profit of my Royall Maſter.

All eſtates do ſtand *Magis fama quam vi* as *Tacitus* ſaith of *Rome*; And wealth in every Kingdome is one of the eſſentiall marks of their greatneſſe, and is beſt expreſſed in the meaſures and purity of their moneys. Hence it was that ſo long as the Romane Empire, a pattern of the beſt Government held up their glory, or greatneſſe, they ever maintained with little or no change the ſtandard of their Coyn, but after the looſe time of *Commodus* had led in need by exceſſe, and ſo by that ſhift of changing the ſtandard, the Majeſty of that Empire fell by degrees. And as *Vopiſcus* ſaith, the ſteps by which that State deſcended, were viſible moſt by the generall alteration of their Coynes; and there is no ſurer ſimptomes of conſumption in State, then the corruption of the Money.

What Renowne is left to the Poſterity of *Edw.* 1. in amend-

ing the ſtandard both in puritie and weight, from that of elder and barbarous times; it muſt needs ſtick as a blemiſh upon Princes that do the contrary.

Thus we ſee it was with *Hen.6.* who after he had begun with a baiting the meaſures, he afterwards fell to abaſing the matter; and gr nted Commiſſion to Miſſend, and others to practiſe Alcamie to ſerve his Mint.

The extremity the State in generall felt by this agrievance, beſides the diſhonor it layd upon the perſon of the King, was not the leaſt diſadvantage his diſloyall kinſman tooke, to ingrace himſelfe into the peoples favours, to his Soveraigns Reign.

When *Hen.* the 8th. had gained as much of power and glory abroad, of love and obedience at home as ever any, he ſuffered a loſſe by this Rock.

When his Daughter Queene *Elizabeth* came to the Crowne, ſhe was happier in Councell to amend that error of her Father, for in a memoriall of the Lord Treaſurer *Burleighs* his hand, I finde that he and Sir *Thomas Smith*, a grave and learned man, adviſed the Queen that it was the Crown, and the true wealth of her ſelfe and people, to reduce the ſtandard to the ancient party, and purity of her great Grandfather *Edward* the 4th. and that it was not the ſhort end of wits, nor ſtarting holes of deviſes, that can ſuſtain the expence of a Monarchy, but ſound and ſolid courſes, for ſo are the words; She followed their a deviſe, and began to reduce the moneys to their elder goodneſſe, ſtiling this worke in her firſt Proclamation Anno 3°. a famous Act. The next year following, Anno 3°. having perfected, as it after ſtood, She telleth her people by another Edict; That She had conquered now that monſter that had ſo long devoured them, meaning the variation of the ſtandard. And ſo long as that ſad adviſer lived, She never (though often by Projectors importuned) could be drawne to any ſhift or change in her Moneys.

To avoyd the trouble of permutation, Coyners deviſed as a rule and meaſure of Marchandize and Manufactaries, which if mutable, no man can tell either what he hath, or what he oweth, no co tract can be certain, and ſo all commerce both publike and private deſtroyed, and men again enforced to permuta-

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tion with things not ſubject to will and fraud.

The Regulating of Coyn hath been left to the care of Princes, who have ever beene preſumed to be the Fathers of the Common-wealth, upon their honors they are debtors and warrants to the ſubjects in that behalfe.

They cannot ſaith *Bodin*, alter the price of moneys to the preiudice of the ſubiect, without incurring the reproach of *Faux* moneyars. And therefore ſtories terme *Phillip le Belle ſa ſiſicator de monet, omnino monet, integritas debet quæri ubi vultus noſter Imprimatur*, ſaid *Theodoret* the *Goth* to his Mint-maſter. *Quidnam erit tutum ſi noſtra peccetur effigie*, Princes muſt not ſuffer their faces to warrant falſhood.

Although I am not of opinion with the *Mirror des Juſtices*, the ancienteſt books of the Common-Law, That *Le Royne poit ſa money impaire ne a mander ſans Laſſent des touts les Comties*, which was the great counſell of the Kingdome. Yet cannot I paſſe over the goodneſſe and grace of many other our Kings, as *Edw.*1. *Edw.*3. *Hen.*4. and the 5th. and others; who out of the rule of their Juſtice. *Quod ad omnes ſpectat, ab omnibus debet approbari*, have often adviſed with their people in Parliament, both for the Allay, weight, number of peeces, rate of Coynage and exchange, and muſt with infinite goodneſſe acknowledg the care and Juſtice now of my good Maſter, and your Lordſhips wiſedomes, that would not upon the information of ſome few officers of the Mint, before a free and careful debate, put in execution this Proiect. Yet I muſt under your Lordſhips favour ſuſpect it would have taken away the tenth part of every mans due debt or rent alreadie reſerved throughout the Realm, not ſparing the King, which could have been little leſſe then a *ſpecies* of that which the Roman ſtories call *Tabulæ novæ*, from whence every ſedition hath ſprang, as that of *Marius Gratidianus* in *Livio*, who pretending in his Conſulſhip, thatt the currant money was waſte by us, called it in, and altered the Standard, which grew ſo heavie and grievous to the people, as the Author ſayth, becauſe thereby no man knoweth certainly his wealth, that it cauſed a tumult.

In this laſt part which is the diſprofit that the enfeebling the Coyn, will bring both to his Maieſty, and to the Common-

wealth. I must distinguish the moneyes of gold and silver as they are bullion and commodities, and as they are measures, the one of the extrinsique quality, which is at the Kings pleasure, as all other measures to name, the other the intrinsique quality, of pure mettall, which is in the Merchant to value as their measure, shall be either to be lessened or enlarged, so is the quantity of the commodity that is to be exchanged, if then the King shall cut his shilling or pound in money lesse than it was before, a lesse portion of such commodities as shall be exchanged, for it, must be received, it must then of force follow, that all things of necessity, as victualls, apparell, and the rest as well as those of pleasure, must be inhaunsed. If then all men shall receive in their shillings and pounds a lesse proportion of silver and gold than they did before this projected alteration, and pay for what they *buy at a* rate enhaunsed, it must cast upon all a double losse, what the King will suffer by it in the Rents of his lands, is demonstrated enough by the alteration since the 18 of *Ed.* 3. when all the Revenues of the Crown came unto the receipts *ponderc & numero*, after 5 Groats the Ounce, which since that time by severall changes of the Standard is come to 5^s^. whereby the King hath two third parts of his just Revenues.

In his Customes, the book of rates being regulated by pounds and shillings, his Majesty must lose alike, and so in all and whatsoever moneyes, that after this he must receive the profits of his Coynage, cannot be much more permanent in the losse lasting, and so long as it reacheth to little lesse than yeerly, to accept part of his Revenue, for in every pound tale of gold is 7 Ounces, 1^d^. weight, and 19 graius losse, which 25^l^. in accompt, and in 700^l^. tail of silver, which is 14^l^. 17^s^. more. And his Majesty shall undergo all this losse hereafter, in all his receipts, so shall he no lesse in all his disbursments, the wages of his souldiers must be ratably advanced, as the money is decreased. This *Edward* the 3, as appeareth by the accounts of the Wardrobe and Exchequer, as all the Kings after him were inforced to do, as often as the lessened Standard of the moneyes of what should be bought for his Majesties service, must in like manner be inhaunsed on him. As his Majesty hath the greatest profits of receipts and issues, so must he of necessity taste of the most losse by this device.

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It will deſtroy or diſcourage a great proportion of the trade in England, Impair his Maieſties Cuſtomes for that part, being not the leaſt that paſſeth upon truſt and credit will be overthrown, for all men being doubtfull of diminution hereby of there perſonall eſtates will call in their moneys, already out, and no man will part with that which is lying by himuppon apparant loſſe, as this muſt bring; what dammage may befall the State by ſuch a ſudden ſtand of Trade I cannot gueſſe.

The moneys both of gold and ſilver formerly Coyned and abroad, richer then thoſe intended, will be made of the moſt nere by Bulloin and ſo tranſported; which I conceive will be none of the leaſt inducements that hath drawn ſo many Goldſmithes to ſide this Proiect, that they may be thereby Factors for the Strangers, who by the Law of Mintage bring but two ſhillings ſilver to the pound waight, and 4 ſhillings for gold; whereas with us the one is and the other 5 ſhillings, many make that profit beyond the Sea, they cannot here, and ſo his Maieſties Mint unſet of worke.

And as his Maieſtie loſſe appeareth in the alteration of many a 14th in the ſilver, and a 25th part in all the gold they after ſhall receive; ſo ſhall the Nobilitie, Gentry, and all other landed men in all their former ſetled Rents, Annuities, Penſions, and ſums of money, the like will fall upon the labourers and workemen in their ſtature wages. And as their receipts are leſſened hereby, ſo are their iſſues increaſed either by improving all prices, or diſfurniſhing the Market, which muſt neceſſarily follow; for in the 5th of *Edw.* 6th. 3° *Mary*, 4to *Eliz.* as appeareth by their Proclamations, That a Rumour only of alteration cauſed ſuch effects, puniſhing the author of ſuch reports, with Impriſonment, and Pillory. It cannot be doubted, but the proiecting of ſuch a change, muſt be of far greater conſequence and danger to the State, and would be wiſhed that the Actors, and authors of ſuch diſturbances in the Common-wealth at all times hereafter, might undergo a puniſhment proportionable.

It cannot be held, I preſume, an adviſe of beſt iudgement that layeth the loſſe upon our ſelves, and the gain upon our enemies, for who are like to be in this the greateſt thrivers, is not viſible that the Strangers who ſupport, or money for bullion, our own Gold-ſmiths, who are their Brokers, and the Hedgminters of the

Netherlands, who tearmed them well, will have a fresh and full trade by this abasements. And we do not the Spanish King, our greatest enemy, a greater favour than by his, who being Lord of these commodities by his West-Indies, we shall so advance them to our impoverishment, for it is not in the power of any State to raise of the price of their own, but the value that their neighbours, set upon them, experience hath taught us that the enfeebling of Coyn is but a shift for a while, as drinke to one in a dropsie, to make him swell the more, but the state was never thorowly cured, as we saw in *Henry* the Eighths time, and the late Queens, untill the Coyn was made rich again.

I cannot but then conclude my honorable Lords, that if the proportion of Gold and Silver to each other be wrought to that purity, by the advice of the Artists that neither may be too rich for the other, that the Mintage may be reduced to some proportion of neighbour parts, and that the issue of native commodities may be brought to over-ballance the entrance of the forraigne, we need not seek any shift, but shall again see our trade to flourish, the Mint as, the pulse of the Commonwealth, again to beat, and our Materialls by Industry, to be Mynes of Gold and Silver, which we all wish and work for, supported unto us, and the honor of Justice, and Profit of his Majesty.

Certain general Rules collected concerning Money and Bullion, out of the late Consultation at Court.

GOld and silver hath a two fold estimation in the extrinsique, as they are moneys, and Princes measures given to his people, and this is a Prerogative of Kings in the *Intrinsique*, they are commodities valewing each other according to the plenty or scarcity; and so all other commodities by them, and that is the sole power of Trade.

The measure in a Kingdome ought to be constant, It is the Justice and honor of the King; for if they be altered, all men at that time are deceived in the precedent contracts, either for lands or moneys, and the King most of all; for no man knoweth either what he hath, or what he oweth.

This made the Lord Treasurer *Burleigh* in Anno 1573. when some Projectors had set on foot a matter of that nature, to tell

put ſo great a diſhonor upon the Queen, and detriment and diſcontent on the people; for to alter this publike meaſure is to leave all the Markets of the Kingdome unfurniſhed: and what will be the miſchiefe the Proclamation of 5. and 6. 3°. *Mary*, and 4th. of *Eliz.* will manifeſt, when but a rumor produced that effect ſo farre, that beſides the faith of the Princes to the contrary delivered in their Edicts, they were inforced to cauſe the Magiſtrates in every Shire reſpectively, to conſtrain the people to furniſh the Market, to prevent a mutiny.

To thinke then this meaſure at this time ſhort, is to raiſe all prices, or to turn the meaſure or money now current into duſſe and Bullion; for who will depart with any, when it is by ſeven more in the hundred in the maſſe, then the now moneys, and yet of no more value in the Market.

Hence the neceſſitie of it will follow, that there will not of a long time be Minted of the new to drive the exchange of the Kingdome, and ſo all trade at one inſtance at a ſtand; and in meane time the Markets unfurniſhed, and thus far as money is a meaſure

Now as [illegible] commoditie, it is reſpected and valued, by the intrinſique qualitie, and firſt the one mettall to the other.

All commodities are priced by plenty or ſcarcity, by deareneſſe or cheapneſſe, the one to the other. If then we deſire our ſilver to buy gold as it hath lately been, we muſt let it it be the cheaper and leſſe in proportion valued, and ſo contrary for one equivalent proportion in both, will bring in neither; we ſee the profit there of the unuſuall quantitie of gold brought lately to the Mint by reaſon of the price, we rate it at above all other Countries, and gold may be bought too dear; to furniſh then this way the Mint with both, is impoſſible.

And at this time it was apparantly proved both by the beſt Artiſts, and Marchants moſt acquainted with the Exchange, in both the examples of the Mint-maſters, in the Rix-dolor, and Royall of Eight, that ſilver here is of equall valew, and gold above with forreine parts in the intrinſique, but that the fallacie preſented to the Lords by the Mint-maſters, is only in the nomination of extrinſique qualitie.

But if we deſire both it is not the rayſing the valew that doth it, but the balancing the Trade, for we buy more then we ſell of

all

all other commodities, be the money never ſo high priced, we muſt part with it to make the diſproportion even, if we ſell more then the contrary will follow.

And this is plain in Spaniſh neceſſities, for ſhould that King advance to a double his Royall of Eight, yet needing it by reaſon of the barrenneſſe of his Country, more of forreign wares, then can countervaile by exchange with his wares, he muſt then part with his money, and gain the more by enhaunſing his coyn, but he payeth a higher price for the commodities he buyeth, if this work of rayſing be his own.

But if we ſhall make improvement of gold and ſilver being the Staple-commodities of this Kingdome, we then advancing the the price of his abaſe to him our own commodities.

To ſhape this kingdome to the faſhion of the Netherlands, were to frame a Royall Monarchie by a ſociety of Marchants, their Country is a continuall Faire, and ſo price of moneys muſt riſe and fall to fit their occaſions; we ſee this by raiſing the Exchange of *Franckford*, and other places, of their uſuall time of the Marts.

This frequent and daily change in the Low-Countries of their moneys is no ſuch injuſtice to any there, as it would be here, for there they being all Merchants, or mechanicks, they can rate accordingly their labour and their Ware, whether it be Coyne, or other merchandize, to the preſent condition of their own money in Exchange.

And our Engliſh Merchants to whoſe profeſſion it properly belongeth, do ſo according to their juſt intrinſique valew of their forreign Coyn in all barter of commodities or Exchange, except uſance which we that are rated and tyed by the extrinſiques meaſure of moneys in all our conſtant reckonigs, and annuall bargains at home cannot do.

And for us then to raiſe our Coyn at this time, to equall their proportions were but to render our ſelves to a perpetuall incertainty, for they will raiſe upon us daily them again, which we of courſe ſhall follow, elſe receive no profit by this preſent change; and ſo deſtroy the Policie, Juſtice, honor, and tranquilitie of our State for ever.

The

To the Right Honourable the Lord Deputy.

The humble and just Remonstrance of the Knights, Citizens and Burgesses in Parliament assembled.

SHewing that in all ages since the happy subjection of this Kingdome to the Imperiall Crowne of *England* it was and is a principall study and Princely care of his Majesty and his most noble Progenitors, Kings and Queens of *England*, and *Ireland*, to the vast expence of treasure and blood; That their loyall and dutifull people of this Land of *Ireland*, beeing now for the most part derived from British Ancestors, should be governed according to the municipall and fundamentall Lawes of *England*; That the statute of *Magna Charta*, or the great Charter of the liberties of *England*, and other laudable lawes and statutes were in severall Parliaments heere enacted and declared, that by the means thereof & of the most prudent & benign government of his Majestie & his Royall Progenitors, this Kingdome was untill of late in its growth a flourishing estate, whereby the said people were heretofore enabled to answer their humble and naturall desires, to comply with his Majesties Princely and royall occasions, by their free gift of 150. thousand pounds sterling: and likewise by another free gift of 120. thousand pounds more, during the government of the Lord Viscount *Faulkland*, and after by the gift of 40. thousand pounds and their free and cheerefull gift of sixe intire Subsidies, in the tenth yeare of his Majesties Reigne, which to comply with his Majesties then occasions, signified to the then house of Commons they did allow should ammount

in the Collections unto a hundred and fifty thousand pounds (although as they confidently believe) if the Subsidies had been levyed in a moderate Parliamentary way, they would not have amounted to much more then halfe the sum aforesaid, besides the foure intire Subsidies graunted in this present Parliament.

Soe it is, may it please your Lordship, by the occasion of insuing and other grievances and Innovations, though to his Majesty no considerable profit this Kingdome is reduced to that extreame and universall poverty, that the same is lesse able to pay 2 Subsidies then it was hertofore to satisfie all the before-recyted great payments, & his Majesties most faithfull people of the Land, do conceive great fears, that the said grievances and consequences thereof, may be hereafter drawne into presidents, to be perpetuated upon their posterity which in their great hopes and strong beliefe, they are perswaded is contrary to his Royall and Princely intention towards his said people, of which greivances are as followeth.

1, First, the generall apparant decay of Trades, occasioned by the new and illegall raising of the booke of rates, and impositions upon native, and other Commodities, exported and imported, by reason whereof and of extreame usage and censures, Merchants are beggered both, and disinabled and discouraged to Trade; and some of the honourable persons who gaine thereby often Iudges and parties. And that in the conclusion his Majesties profit thereby is not considerably advanced.

2. The arbitrary decision of all civill causes and controversies by paper petitions, before the Lord Lieutenant and Lord Deputy, and infinite other Iudicatories upon references from them derived in the nature of all actions determinable at the Common Law, not limited into certaine time, cause season or thing whatsoever; And the consequences of such exceeding by immoderate and unlawfull fees, by Secretaries Clarkes, Pursivants, Serjeants at Armes, and otherwise, by which kinde of proceedings his Majesty looseth a considerable

derable part of his revenue upon originall writs, and other wise: and the Subject looseth the benefit of his writ of Error, bill of reversall, vouchees, and other legall and just advantages and the ordinary course and Courts of Iustice declined.

3. The proceedings in civill causes at Counsell board, contrary to the Law and great Charter, not limtted to any certaine time or season.

4 That the Subject is in all the materiall parts thereof denyed the benefit of the Princely graces, and more especially of the statute of limitations of 21. of *Iac.* Graunted by his Majesty in the fourth yeare of his Raigne, upon great advice of Counsell of *England* and *Ireland*, and for great consideration, and then published in all the Courts of *Dublin*, and in all the Counties of this Kingdome in open assizes, whereby all persons doe take notice, that contrary to his Majesties pious intentions, his Subjects of this land have not enjoyed the benefit of his Majesties Princelie promise thereby made.

5. The extrajudiciall avoyding of Letters Pattents of estates; of a very great part of his Majesties subjects under the great Seale (the publique faith of the Kingdome) by private opinions, delivered at the Counsell board without legall evictions of their estates, contrary to the law, and without president or example of any former age.

6. The Proclamation for the sole emption and uttering of Tobacco, which is bought at very low rates, and uttered at high and excessive rates, by meanes whereof thousands of families within this Kingdome, and of his Majesties Subjects, in severall Ilands, and other parts of the West Indies (as your Petitioners are informed) are destroyed; and the most part of the coyn of this Kingdome is ingrossed into particular hands: Insomuch as the petitioners do conceive that the proffit arising and engrossed thereby doth surmount his Majestyes revenue, certain or casuall, within this Kingdome, and yet his Majesty receiveth but very little profit by the same.

7. The universall and unlawfull increasing of Monopolies, to the advantage of a few, to the disprofit of his Majesty, and Impoverishment of his people.

8. The extream and cruell usage of certain late Commissioners, and other stewards, the Brittish Farmers and Inhabitants of the City and County of *London Derry*, by meanes whereof the worthy Plantation of that Country is almost destroyed, and the Inhabitants are reduced to great poverty, and many of them forced to forsake the Countrey, the same beeing the first and most usefull Plantation in the large Province of that Ulster, to the great weaking of the Kingdome, in in this time of danger, the said plantation being the principall strength of those parts.

9. The late erection of the Court of high Commission, for causes Ecclesiasticall in those necessitous times, the proceedings of the said Court, in many causes without legal warrant, and yet so supported as prohibitions have not been obtained, though legally sought for: And the excessive fees exacted by the Ministers thereof, and the encroaching of the same upon the jurisdiction of other Ecclesiasticall Courts of this Kingdome.

10. The exorbitant fees and pretended Customes exacted by the Clergy against the Law, some of which have been formerly represented to your Lordship.

11. The Petitioners doe most heartily bemone that his Majesties service and profit are much more impaired, then advanced, by the grievances aforesaid; & the Subsidies graunted in the last Parliament, having much increased his Majesties revenue, by the buying of graunts, and otherwise: and that all his Majesties debts then due in this Kingdome, were satisfied out of the said Subsidies; and yet his Majesty is of late, (as the petitioners have been informed, in the house of Commons) become indepted in this Kingdome, in great somes: And they doe therefore humbly beseech, that an exact accompt may bee sent to his Majesty, how and in what manner his treasure issued.

12. The

12. The Petitioners doe humbly conceive juſt and great feares, at a Proclamation publiſhed in this Kingdome, in Anno Domini 1635. Prohibiting men of quality or eſtates, to depart this Kingdome into *England*, without the Lord Deputies Licence, wherein the Subjects of this Kingdome are hindered and interrupted from free acceſſe, to addres to his ſacred Majeſty, and privie Counſell of *England*, to declare their juſt grievances, or to obtaine remedies for them in ſuch ſorta s their Anceſtors have done, in all ages ſince the Reigne of King *Henry the ſecond*, and great fees exacted, for every of the ſaid Licenſes.

13. That of late his Majeſties late Atourney generall, hath exhibited Informations againſt many Boroughs of this Kingdome, into his Majeſties Court of Exchequer, to ſhew cauſe, by what warrant the ſaid Burgeſſes (who heretofore ſent Burgeſſes to the Parliament) ſhould ſend the Burgeſſes to the Parliament, and thereupon for want of an anſwere, the ſaid priviledges of ſending Burgeſſes was ſeiſed by the ſaid Court, which proceedings were altogether *Coram non Iudice*, and contrary to the lawes and priviledges of the houſe of Parliament, (and if way ſhould be given thereunto) would tend to the ſubverſion of Parliaments, and by conſequence to the ruine and deſtruction of the Common-wealth.

And that the houſe of Commons, hath hitherto in this preſent Parliament, been deprived of the advice and Counſell of many profitable and good members by means thereof.

14. By the powerfulneſſe of ſome Miniſters of ſtate in this Kingdome, the Parliament in its members, and actions, hath not his naturall freedome.

15. And laſtly, that the Gentry, and Merchants, and other his Majeſties Subjects of this Kingdome, are of late by the grievances, and preſſures before ſaid, & other the like brought very neere to ruine, and deſtruction: And Farmers of Cuſtomes, Cuſtomers, Waiters, Searchers, Clarkes of unwarrantable proceedings, Purſivants, and Goalers, and ſundry others, very much enriched, whereby and by the ſlow re-

dreſſe of the petitioners, his Majeſties moſt faithfull and dutifull people of this Kingdome, doe conceive great feares, that their readineſſe approved upon all occaſions, hath not beene of late preſented to his ſacred Majeſty: For remedy whereof the ſaid Petitioners doe humbly and of right beſeech your Lordſhip, that the ſaid grievances and preſſures may bee ſpeedily redreſſed, and if your Lordſhip ſhall not thinke fit to afford preſent reliefe, that your Lordſhip might admit a ſelect Committee of this houſe of Perſons unintereſſed in the benefit ariſing of the aforeſaid grievances to be licenſed by your Lordſhip, to repaire to his ſacred Majeſty in *England*, for to purſue the ſame and to obtaine fitting remedy for their aforeſaid and other juſt grievances and expreſſions, and upon all juſt and honourable occaſions, they will without reſpect of particular intereſt or profit, to be raiſed thereby moſt humbly and readily in Parliament extend their uttermoſt endeavour to ſerve his Majeſty and comply with his royall and princely occaſions, And ſhal pray, &c.

Maſter

Mr. Secretarie *Windebancks* Charge in Parliament 7. *December* 1640.

1

SEventie fower Letters of grace to Recusants within this fowr yeares signed with his owne hands.

2. *Sixtie foure Priests discharged from the Gatehouse at Westminster within these 4. years, and for the most part by him.*

3. *Twenty nine discharged by a verball warrant from him.*

4. *A warrant to protect one Musket a condemned Priest, and al the houses he frequented.*

5. *One committed by the Kings own hand, and discharged by him without signifying the Kings pleasure.*

6. *The Petition of the parish of* St. Gyles *in the fields to the King of the increase of Poperie and that* 21. *were turned by two Priests* Mosse *and* Souther, *which being committed were suddenly discharged by Secretary* Windebanck.

A message from the House of Commons to his Majesty 15. *December* 1640.

Mr. Treasurer

IS intreated from this house to acquaint his Majesty with the great care and affection of the house to advance and settle his Majesties Revenue, and for that purpose we humbly desire his Majesty will give us leave to enter into debate of his revenue and his expence.

His

His Majesties answere thereto by *Mr.* Treasurer.

HIs *Majesty being by me acquainted with the great care and affection of the house of* Commons *to advance and settle his Maiesties Revenew, doth very graciously interpret the same, and hath commanded me to give the House thankes for it in his name; and his Majesty doth give the House free leave to enter into debate of his Revenews and Expences, as is desired, and hath given order that all his Officers and Ministers from time to time, shall assist the House therein, as there shall be occasion.*

Vote concerning the *Cannons* in the House of Commons. 15. *Decem.* 1640.

THat the *Clergy of* England *Convented in any Convocation or Synod, or otherwise have no power to make any Constitutions, Cannons or Acts whatsoever in matter of Doctrine, or otherwise to bind the Clergy or Laity of this Land without the Commons consent of Parliament.*

That the severall Constitutions and Cannons Ecclesiasticall, Treated upon by the Arch-bishop of Canterbury, *and* Yorke, *Presidents of the Convocation for the respective Provinces of* Canterbury *and* Yorke, *and the rest of the Bishops and Clergy of these Provinces, and agreed upon by the Kings Maiestits licence in their severall Synods began at* London *and* York 1640. *do not bind the Clergy or Laity of this Land, or either of them.*

THE

An Order concerning *Monopolers*.

19. *November* 1640.

IT is ordered that upon the queſtion that all Projectors and Monopolizers whatſoever, or that have had any ſhare in any Monopolies, or that doe receive or lately have received any benefit by any Monopolies or Patten, or that have procured any warrant or command, for the reſtraynt or moleſting of any that have refuſed to conforme themſelves to any Proclamation or project are diſabled by order of this Houſe, and if any man have been known to have been a Monopolizer or Pattentee ſhall repaire to have beene a Monopolizer, that he ſhall nominate him; that any member of this Houſe that is a Monopolizer, or Pattentee, ſhall repayre to *Mr.* Speaker, that a new warrant may iſſue forth or other wiſe that he be dealt with as a ſtranger that hath no power to ſit here.

Order againſt *Monopolies* and Pattens 25. *Nov.* 1640.

IT is this day ordered in the Commons Houſe now aſſembled in Parliament that all Pattens and Grants of Monopolies that have been complained of in this houſe.

The *Scottiſh* Commiſſioners thanks to his Majeſty 30. *Decemb.* 1640.

WEE *doe in the Name of the* PARLIAMENT *and whole Kingdome of* Scotland *acknowledge in all humility and thankfulneſſe, in granting our firſt demand being fully aſſured that the Parliament will leave nothing undone that may ſerve for his Majeſties honour & the whole Kingdome, in Teſtimony of their thankfulneſſe, will earneſtly pray, that God will graunt his Majeſty a long and proſperous Reigne.* Adam Blaire.

The humble Declaration of the Maſter *and* Wardens *of Vintners,* William Abel *Alderman of* London, *and the reſt of the Court of Aſſiſtants of that Company, how in what manner the ſaid Company, Farmers and Adventurers have proceeded in the Farmes of* 40. *ſhillings per tunne and wine Licence.*

IN *the yeare* 1632. *The Lord* Weſton *beeing then high Treaſurer of England ſent for the* Maſter *and* Wardens *of the Company of* Vintners, *and demanded of them the Vent and conſumption of Wines, one peny a quart, which is* 4. *pound per tun, which they utterly refuſed, alleadging it would be the utter undoing of the retayling Vintners.*

In Anno 1633. a Decree was made by the advice of the Judges of *England* in the *Star-chamber*: That the Retaylers of wines might not sell or dresse Victuals in their houses, which time out of mind they were accustomed to doe. And this done without any information or bill, or any called to defend or Iustifie their trade or usage of it.

In *Anno* 1634. his Majesty questioned the Vintners, and Retaylers of *Wine*, for the breach of the said Decree, and drew 6000. pounds from the *Vintners* to be lent him: And thereon his Majesty did by order give way to the Retaylers of Wines, to dresse and sell Victuals till *December* then next following; at which time his Majesty promised to settle it as he thought fit for him to signe, and then to have the Vintners relying upon that Temporary Lycence, and of his Majesties gracious Declaration continued to dresse meate beyond the tyme.

In *Anno* 1635. The retaylors of Wines were again questioned for breach of the former Decree by his Majesty, and the Lord *Cottington*, then propounded to yeeld to pay somewhat on their vent of Wines, to his Majesty, which the Retayling Vintners utterly refused to doe.

In *Anno* 1636. many retaylors of Wynes were by information in Master Attourneys name questioned in *Star-chamber*, for breach of the decree, and so farre proceeded against as that they were served with Processe of that Court to hear judgment.

That things thus depending Sir *Richard Kilvert* repayred to *Alderman Abell*, then Maſter of the Company, beeing a meere ſtranger to Maſter *Kilvert*, and told him his Majeſty bid him command by warrant, to proſecute the Vintners in the *Star-chamber*, for ſelling above the price, and breach of the Decree, for dreſſing of meat, and againſt the Merchants ſcopers, and others; Intimating further it was his Majeſties pleaſure that ſome of the Company of Vintners ſhould attend the *Right Honourable Marquis Hambleton* concerning the ſame.

In *October Anno* 1637. at Vintners Hall *London*, *William Abell Alderman* beeing then Mr. of that Company, imparted to the Company, that Maſter *Richard Kilvert* had been lately with him, and acquainted him with the former paſſages.

At this court the company of vintners taking their buſines into their ſerious conſiderations, & weighing how they might hazard the utter undoing of ſuch as had tranſgreſſed the Decree, if they ſhould be brought to a ſentence in *Star-chamber* made choyſe and did intreate *Alderman Abell, then their maſter, Edward Kinaſton, Robert Shawe, Ralph Moore, George Hubburt, and Michaell Gardiner.* For the Committee, to waite upon the ſaid Lord Marques *Hambleton*, by whom Maſter *Killvert* had intimated his Majeſties pleaſure ſhould bee made knowne, and to impart the ſame againe unto the Company.

That

That Alderman *Abell*, and the reſt, did attend the Marqueſſe who told them, that his Majeſty had given him the Fines of all the Vintners to be impoſed in *Star-chamber*, but yet if the Vintners would condeſcend to pay his Majeſty 4. pound a Tunne, upon Conſumpt on of wines, he could forbeare the fines, and all proſecutions ſhould be ſtayed, and himſelfe would depend upon his Majeſties favour in ſome other thing.

And after many attendances and ſeverall reaſons offered by them on the behalfe of the Company, againſt paying any thing on the Conſumption of Wines, and not prevailing, beeing then by the Lord Marqueſſe promiſed ſome advancing price and other priviledges, and beeing adviſed by Counſell that wine beeing a forraygn Commodity, his Majeſty might prohibite the comming of it, and impoſe what he pleaſed on it, thereupon and upon the aforeſaid threats and promiſes after the ſame was imparted, and often debated by the Companie, they ſubmitted to the payment of 40 ſhillings *per Tunne*, 4. pound beeing demanded; And ſo on the 11. of *June* 1638. together with the *French* and *Spaniſh* Merchants, they the ſaid Company of Vintners, contracted by Indenture Quadrupartite with his Majeſty, to pay him fourtie ſhillings *per Tunne* on all ſuch wines as they bought and Vented, and the Company of Vintners beeing enformed that the Farmers of his Majeſties Cuſtomes, and ſome particular Merchants of the Company of Coopers,

London moved and ſued to his Majeſty to farme the ſayd Duties, and the Company of Vintners well knowing what great hinderance it would bee to them, if ſtrangers ſhould come in & ſearch their ſellers & know the particular of what they had bought and ſould, the Company to prevent many inconveniences, deſired rather to Farme the duty from his Majeſty, his Majeſtie declaring that he would not contract with a generality of company for the ſame, but with ſome particular members.

The Company did deſire Alderman *Abell*, and nine others freemen of their Company, to performe the contract with his Majeſty for the ſame duty, who tooke it to farme at 3000. Pounds *Per Annum* for eight yeares.

And it was agreed by the Company, that the farmers ſhould have no more ſhare of profit and loſſe in the Farme then other brethren had, which ſhould be pleaſed to undertake, and goe adventure with them: And it was ordered by the Company, that if that Farmer or adventurer ſhould deceaſe, that then that partyes adventure ſhould bee tranſferred to ſome other free Vintner, and to none other, and not to deſcend either

to

to the Executors or Adminiſtrators of ſuch Vintners, ſo deceaſing; the ſaid ten Farmers, being nominated by the Company, and adventured in the ſame farme of forty ſhillings *per Tunne* on Wine and Farme of Wine Licences, which they likewiſe took by direction of the Company, on the ſecond of *January* 1640. Humbly Petitioned his Majeſty to accept of the ſaid Farmes, they accounting to his Majeſty for all moneys received from the beginning, they having allowance for what they diſburſed, and ſtand engaged for, for his Majeſties ſervice, with intereſt and neceſſary charges, without any profit to themſelves.

And Maſter Alderman *Abell* and divers others, the Contractors never dealt in groſſe nor benefitted themſelves by the Advance upon Retayle of wine, ſo that he in all this hath bin but a perſon intreated into this buſineſſe for the Company, and no whit for himſelfe, nor hath otherwiſe or in any other manner as forother cauſe acted any thing at all in or concerning this buſines.

THE

To the High and Honourable Court of PARLIAMENT,

The humble Petition of the *Univerſity* of OXFORD,

Sheweth,

THAT whereas the *Univerſitie* hath been informed of ſeverall Petitions concerning the preſent Government of this Church, and maintenance of the Clergie, which have of late been exhibited to this Honourable Aſſembly; We could not but think our Selves bound in duty to God, and this whole Nation, in charity to our Selves and Succeſſors, who have and are like to have more then ordinary intereſt in any reſolution that ſhall be taken concerning Church-affaires, in all humility, to deſire the continuance of that form of Government, which is now eſtabliſhed here, and hath been preſerved in ſome of the Eaſtern and Weſtern Churches, in a continued Succeſſion of *Biſhops*, downe from the very Apoſtles to this preſent time; the like whereof cannot be affirmed of any other form of Government in any Church. Upon which conſideration, and ſuch other motives as have been already repreſented to this Honourable Parliament from other Perſons and places (with whom we concurr) in behalf of *Epiſcopacy*, We earneſtly deſire, that you would protect that ancient and *Apoſtolicall Order* from ruine or diminution.

And become farther Suiters for the continuance of thoſe pious Foundations of *Cathedrall Churches*, with their Lands and Revenues,

As dedicate to the Service and Honour of God, ſoon after the plantation of Chriſtianity in the Engliſh Nation:

As thought fit and uſefull to be preſerved for that end, when the Nurſeries of Superſtition were demoliſhed, and ſo continued in the laſt and beſt times ſince the bleſſed Reformation, under *King Edw. 6. Q Elizabeth* & *K. James*, Princes renowned through the world for their piety and wiſdome:

As approved and confirmed by the Laws of this land, ancient and modern:

As the principall outward motive and encouragement of all Students, eſpecially in Divinity, and the fitteſt reward of ſome deep and eminent Scholars:

As producing or nouriſhing in all ages many godly and learned men, who have moſt ſtrongly aſſerted the truth of that Religion we profeſſe, againſt the many fierce oppoſitions of our Adverſaries of *Rome*.

As affording a competent portion in an ingenuous way to many younger Brothers of good Parentage, who devote themſelves to the Miniſtery of the Goſpell:

As the onely means of ſubſiſtence to a multitude of Officers and other Miniſters, who with their Families depend upon them and are wholly maintained by them:

As the main Authors or upholders of diverſe Schools, Hoſpitalls, High-wayes, Bridges, and other publique and pious works:

As ſpeciall cauſes of much profit and advantage to thoſe Cities where they are ſcituate, not only by relieving their poore, and keeping convenient Hoſpitality, but by occaſioning a frequent reſort of Strangers from other parts, to the great benefit of all Tradeſmen, and moſt Inhabitants in thoſe places:

As the goodly Monuments of our Predeceſſors Piety, and preſent Honour of this kingdome in the eye of forreine Nations:

As the chiefe ſupport of many thouſand Families of the Laity, who enjoy faire eſtates from them in a free way:

As yeelding a conſtant and ample revenue to the Crown:

And as by which many of the learned *Profeſſours* in our *Univerſity* are maintained.

The ſubverſion or alienation whereof muſt (as we conceive) not only be attended with ſuch conſequences as will redound to the ſcandall of many well affected to our Religion, but open the mouths of our Adverſaries, and of Poſterity againſt us; and is likely in time to draw after it harder conditions upon a conſiderable part of the Laity, an univerſall cheapneſſe and contempt upon the Clergie, a lamentable drooping and defection of induſtry and knowledge in the *Univerſities*; which is eaſie to foreſee, but will be hard to remedy.

May it therefore pleaſe this Honourable Aſſembly, *upon theſe and ſuch other Conſiderations as your great wiſdomes ſhall ſuggeſt, to take ſuch pious care for the continuance of theſe* Religious Houſes, *and their Revenews, according to the beſt intentions of their* Founders, *as may be to the moſt furtherance of Gods glory and ſervice, the Honor of this Church and Nation, the advancement of* Religion *and* Learning, *the encouragement of the modeſt hopes and honeſt endeavours of many hundred* Students *in the* Univerſities

Who doe and ſhall ever pray, &c.

Dat. Ao. Dom. milleſimo ſexcent. quad. primo à Domo Convocationis, in celebri Conventu Doctorum ac Magiſtrorum, omnibus & ſingulis aſſentientibus.

The Speech of Sergeant *Glanvill* in the upper House of *Parliament*, for the Redresse of the present Grievances.

His Majesty being seated on his Throne, Sergeant Glanvill was called to the Barre, being represented by the House of Commons for their Speaker; who spake as followeth.

May it please your Majesty,

THE Knights, Citizens, and Burgesses, of your Commons House of Parliament in conformity to ancient and most constant usage (the best guide in great solemnities) according to their well known priviledges (a sure warrant for their proceedings) and in obedience to your Majesties most gratious commands (a duty well becomming loyall Subjects) have met together, and chosen a speaker, one to be the mouth, indeed the servant of all the rest to steare watchfully and prudently in all their weighty consultations and debates, to collect faithfully and readily the Votes and genuine sense of that numerous assembly, to propound the same seasonably & in apt questions for their finall resolution, and to present them and their conclusions, their declarations with truth and light, with life and lustre, and with full advantage to your most Excellent Majesty. With what Judgement, with what temper, spirit, and elocution he ought to be endued, your Majesty in your great wisedome is best able to discern, both as it may relate to

your

your own peculiar and important affairs of State, to the proper work and busineſſe of this Houſe of Commons, which was never ſmall or mean, and now like to be exceeding weighty.

It is a learned age wherein we live under your Majeſties moſt peacefull government; and your Houſe of Commons is not only the repreſentative body, but the abſtracted quinteſſence of the whol Communalty of this your noble Realme.

I moſt humbly therefore beſeech your Majeſtie as the father of the Commonwealth, and hope of the whole nation, to whom the care of all our welfares appertains, to have reſpect to your own intereſt, have regard to your Houſe of Commons, have compaſſion upon me the unworthieſt member of that body, ready to faint with fear, before the burthen lights on me, I have only a hearty affection to ſerve you and your people, little abilities for performance; In the fulneſſe therefore of your Royall power, your piety, goodneſſe, be gratiouſly pleaſed to command the Houſe of Commons to deliberate upon a better choice who may be worthy of their chooſing, and your Majeſties acceptations.

My Lord Keeper having by his Majeſties direction confirmed him as Speaker, he addreſt himſelfe to his Majeſty as followeth.

Moſt gratious Soveraigne,

My profeſſion hath taught me, that from the higheſt Judge there lies no writ of error, no appeale; what then remains, but that I firſt beſeech Almighty God the author and finiſher of all good works, to enable me to diſcharge honeſtly and effectually ſo great a taske, ſo great a truſt; and in the next place humbly to acknowledge your Majeſties favor? Some enemies I might feare, the common enemy of ſuch ſervices, expectation and jea-

ſouſly; I am unworthy the former, and I contemn the latter. Time the touchſtone of truth ſhall teach the babling world, I am and will be found an equall freeman, zealous to ſerve my Soveraign, zealous to ſerve my deareſt Country.

Monarchy Royall of all governments the moſt illuſtrious and excellent, whether we regard the glory, wealth, or ſafety of the governours or people; I hope none of this Nation are of Antimonarchicall ſpirits, nor friends to ſuch, if there be, I wiſh no greater honour to this Parliament, then to diſcover them and to aſſiſt your Majeſty to ſuppreſſe and confound them.

To behold your Majeſty in peace and ſafety affords compleat joy to all Loyall Subjects, who cannot but conclude with me in this deſire.

Serus in cælum redeas, diuque
Lætus interſis Populo Britanno.

England is your ſeat of reſidency, *Scotland* is your native place, and herein hath the advantage; *Ireland* imitates *England* by a great and quick progreſſion in civility and converſation, in Improvement of the ſoile and plantation.

France is ſtill attendant on your Royall ſtile; A Kings Prerogative is as needfull as great, without which he ſhould want that Majeſty which ought to be inſeparable from his Crown, nor can any danger reſult thereby to ſubjects liberties, ſo long as both admit the temperament of Law and Juſtice, ſpecially under ſuch a Prince, who to your immortall Honor hath publiſhed this to the whole world for your maxime, that the peoples liberties ſtrengthen the Kings Prerogative, and the Kings Prerogative is to defend the peoples liberties; Apples of gold in pictures of ſilver.

Kings as Kings are never ſaid to Erre, only the beſt may be abuſed by miſinformation; this the higheſt point of Prerogative that the King can doe no wrong; if then

by

by the ſubtilty of miſinformers, by the ſpecious falſe pretences of publique good, by a cunning and cloſe contrivance of their wayes to ſeduce the Sacred Royall Perſon, it be ſurprized and overwrought to command contrary to law; and be executed accordingly; theſe commands will be void, and this King innocent even in his very perſon, and the authors of ſuch miſinformations, the actors of ſuch abuſes ſtand expoſed to juſt cenſure, having nothing to defend themſelves but the colour of a void command, made void by juſt Prerogative, and the fundamentall reaſons of ſtate.

Touching juſtice, there is not a more certain ſigne of an upright Judge, then by his patience to be well informed before ſentence given, and I may boldly ſay, all the Judges in your Kingdome may take example by your Majeſty and learn their duties by your practiſe, my ſelfe have often been a witneſſe thereof, to my no little admiration.

From your patience, pleaſe you give me leave to preſſe to your righteous judgement, and exemplifie it but in one inſtance. When your Lords and people in your laſt Parliament preſented your Majeſty a Petition concerning their rights and liberties, the Petition being of no ſmall weight, your Majeſty after mature deliberation, in few but moſt effectuall words; (*ſoit droict fait come eſt deſire*) made ſuch an anſwer, as ſhall renown you for juſt Judgement to all poſterity.

Let us heartily pray that this Parliament may be famous for the advancement of Sacred Religion, and to that end that the moſt Reverend Prelates, ſitting on the right hand of your Kingly ſide, be moſt forward therein, to whom it is moſt proper.

That the Nobles gird with their ſwords in their creation, and moſt eſpecially rewarded and honored for actions military: call to minde the moſt renowned Acts of their Anceſtors, whoſe lands and honours they inherite, and

and how renowned this Land hath been through the whole World for Art and Armes, and labor to restore it to its ancient splendor: The best way to preserve peace, is to be well fitted for War.

But were this Nation never so valiant or wealthy, if Unity be not among us, what good will riches doe us, or your Majesty, but inrich the conqueror? he that commands all hearts by love, he onely commands assuredly; greatnesse without goodnesse can at best but command bodies.

It shall therefore be my hearty prayer, That such a knot of love may be knit betwixt the Head and members that like *Gordius* knot it never be looſed: That all Jesuited forrain States who look asquint upon our Hierusalem may see themselves defeated of all their subtill plots and combinations, of all their wicked hopes and expectations, to render us, if their mischiefe might take effect, a people inconsiderable at home, and contemptible abroad.

Religion hath taught us (*Si Deus nobiscum, quis contra nos?*) and experience I trust will teach us (*Si summus inseparabiles summus insuperabiles.*) It was found, and I hope it still shall and will be the Tenet of the House of Commons; That the King and peoples good cannot be severed: And curſed be every one that goes about to divide them.

Secretarie *Windebankes* Letter to my Lord Chamberlain, from Callis, *Jaunary* 11.

MY Lord, I ow my ſelfe to your Lordſhip, for your late favors; and therefore, much more the account of my ſelf, though the debt in either reſpect, be of little conſideration, and the calling of both may be of greater advantage to you, then to continue be Obligation.

This account had been preſented to your Lordſhip, at my firſt arrivall here with my firſt diſpatches, but I was ſo mortified with my hazardous paſſage in an open ſhallop, and ſo perplext with the thoughts to miſeries, into which I finde my ſelfe plunged, and beſides, the departure of the meſſenger that carried thoſe letters, was ſo ſuddaine, that it was not poſſible to perform this dutie to your Lordſhip ſooner; *For the which I do moſt humbly crave pardon*: your Lordſhip may now pleaſe to accept the expreſſions, from the ſaddeſt and moſt wounded ſoule in the whole World, who am a ſpectacle of miſery in my ſelfe, in my diſtreſſed Wife and Children, and in my whole fortunes, who have left the attending of my Soveraigne and Maſter, and acceſſe to the beſt Prince in the world, who am become a ſcorne and by-word to all the world, both at home and abroad, a wanderer, an Exile from mine own Country, now in the declination of my years, and likely to end my dayes, in a remote Country, and far from the comfort of all my friends; *What I am guilty of none knows ſo well as his Majeſty whom*

I have ſerved faithfully, diligently, painfully, and with as true and loyall an heart, according to my poore abilities, as any other whatſoever, and if I found my Conſcience charged with any crime of baſeneſſe, corruption, infidelity, or any thing elſe unworthy of a Gentleman, I ſhould not venture to addreſſe theſe complaints to your Lordſhip, or to any other perſon of Honour, in this diſconſolate eſtate, being an object not altogether unworthy of your Lordſhips compaſſion, be it for no other reſpect, but that I have long ſerved the King and Queens Majeſties, I doubt not but your Lordſhip, in your generoſity and goodneſſe, will have a lively ſenſe and feeling of my ſufferings, and vouchſafe me ſuch reliefe as in your Honour you may; and if my ſelf, who by courſe of Nature cannot be now of long continuance, be not conſiderable, I moſt humbly beſeech your Lordſhip to have pity upon my poore innocent wife, and children, that they receive ſuch comfort and aſſiſtance from you in my abſence, that they may be preſerved from periſhing. And to that end I moſt humbly crave your Lordſhips favour to this Bearer my Sonne, and to give him the honour of acceſſe whenſoever he ſhall make his addreſſes to you, wherein you ſhall doe a worke of ſingular charity; and becauſe there is an opinion in the world, that I have much improved my fortunes by the Romane party; and there hath beene ſome deſigne by my miniſtery to introduce Popery into England, I ſhall moſt humbly crave your Lordſhips patience in giving me leave to clear thoſe two great miſunderſtandings, which if they were true, were ſufficient to render me uncapable of his Majeſties favours, or of the compaſſion of any perſon of honour whatſoever: For the firſt, it is notorious to all the world that having now ſerved his Majeſtie in the place of a Secretary above eight years, I have not added one foot of Land to the inheritance left me by my father, which in Land and

Leaſe

Leaſe was not above 500. pounds *per annum*, a poore and inconſiderable eſtate for a Secretary, and ſuch an one as moſt Secretaries have more than trebled in a ſhort time; for my manner of living, it hath been much under the dignity of a Secretary; and if I had not been very frugall, I could not have ſubſiſted; where then this concealed Maſſe of Treaſurie is (I wiſh thoſe that ſpeak ſo liberally of it) would let me know; for I doe proteſt to God I am utterly to ſeek where to diſcover it, and at this preſent, I am ſo unfurniſhed with monies, that if his Majeſtie cauſe me not to be ſupplied, I am unable to ſubſiſt in theſe parts without expoſing my Family in England to the danger of ſtarving, and yet neither my purpoſe nor inclination is to live otherwiſe here, than in the greateſt obſcurity and cloſeneſſe that poſſibly I may. I aſſure your Lordſhip that thoſe of the Roman party that paſſed my hands by his Majeſties commandement; were poore diſtreſſed creatures, and farre from being able to inrich me, and beſides, how little I have attended my own private, and how freely and like a Gentleman, I hope I may ſpeak the truth without oſtenation, I have done curteſies to all, I wiſh it ſhould rather appeare by the teſtimonie of ſuch as have made uſe of my ſervices, then by mine own. My Father and I have ſerved the Crown of England neare 80. years together, in which time, if a greater eſtate had been raiſed it might well have been juſtified, conſidering the great imployments neer the perſons of Queen *Elizabeth*, King *James*, and his Majeſty that now is, we both have had; and your Lordſhip may believe it (for I avow it upon the faith of a Chriſtian) that it is no more then I have above mentioned, and whether there are not many from leſſe imployments have riſen to be Noblemen, and made their fortunes accordingly, I leave to the world to judge.

For the other ſuſpition of my being a favourer or an advancer of Popery, I proteſt before the Almighty God,

and as I ſhall anſwer at the laſt dreadfull day, that I know no ground for the leaſt ſuſpition thereof, neither am I my ſelfe, nor is any other to my knowledge guilty of the leaſt thought of any ſuch purpoſe; For my ſelf I received my Baptiſme in the Church of England, and I know nothing in the Church of Rome that can win me from that Church wherein I was made a Chriſtian; I do therefore hold this Church of England, not onely a true and Orthodox Church, but the moſt pure, and neer the primitive of any in the Chriſtian world, and this I will be ready to ſeale with my blood, whenſoever there ſhall be occaſion (with this further proteſtation) that if I did not hold it ſo, I would not continue in it for any worldly reſpects whatſoever.

For that which hath paſſed my hands for favor of that party, it hath been meerly miniſteriall, as his Majeſty beſt knows, and I muſt be bold to ſay that his Majeſty hath not been deceived by it, but hath received many greater advantages; beſides that, if a Secretary of State ſhould not hold intelligence with the party, is abſolute to diſable him for the ſervice of the State, and that hath been done alwaies more or leſſe, and ſo muſt alwaies continue, Kings and their Miniſters of State, have ever had, and might ever have a Latitude according to time and occaſion, and cannot be ſo tied according to ſtrictneſſe of law as others are, without perill to the government, therefore when the Roman party were practique and buſie about the State, there was reaſon to be more ſtrict, but now by the wiſedome of the Queen and her good Officers, they are better tempered, leſſe ſeverity hath been uſed, it being the prerogative of the Prince to uſe moderation according to accuſation: further than this I have not had to doe with the Roman party, nor thus far but in obedience to my Maſters commandement, which I hope ſhall not be cenſured a crime, this being my condition; I moſt hum-

humbly ſubmit it to your Lordſhips wiſdome and goodneſſe, and ſeeing there is no malignity in it, nor prejudice to the ſtate, That your Lordſhip would vouchſafe me your favour and protection, and preſerve me from periſhing.

Callis, January 11. 1640.

Your Lordſhips moſt humble and faithfull, though much diſtreſſed ſervant,

Fran. Windebanck.

The Lord *Andevers* ſpeech concerning the pacification, the 6 of March.

My Lords,

I Did lately move your Lordſhips that the breach of the *pacification* might be ſpeedily reviewed, as the *unum neceſſarium*; and truly my opinion at that time is yet nothing altered, although upon better thoughts (me thinks) it would firſt be known who did actually engage us in theſe fruitles diſſentions, and ſo derive the miſchiefe from ſome originall. For *my Lords*, the kingdome cannot now long ſtand at gaze or undergoe new burthens.

Wherefore what is to be done (if you intend it ſhould proſper) muſt preſently receive life from the whole people, otherwiſe we ſhall expire in a dream; and when the ſucceſſe differs from expectation, it is not enough to

cry, *quod non putaram*. *My Lords*, the wiſeman ſaies, there is a proper ſeaſon for all things under the Sun, and we often finde the experiment in naturall bodies, which are voluntarily weakned, to recover ſtrength, yet with a reſtriction to ſuch bounds, and limits, as the Phyſitian preſcribes himſelf; and truly, I think it is your Lordſhips caſe at this point, either to conſider what ſhould further be done then is already, or elſe how to get out of thoſe labyrinths we now are in, leſt the words of the *Pſalmiſt* come home to our ſelves, *Vendidiſti populum ſinepretio.*

My Lords, I am confident the Houſe of Commons doth throughly ſee, both into the prejudice, and vaſt expence that theſe two armies lay upon the land, and undoubtedly ſo many Gentlemen of worth, as ſit there, will have tender eyes upon the Commonweale. It will therefore become your Lordſhips to ſecond them in your way, and whileſt they apply to publique wounds, the care of this houſe may ſearch the inteſtines, for if they be not cleanſed, it will be but a ſuperficiall Cure, and break out againe.

My Lords, it ſeems the Earle of *Strafford*, and the Archbiſhop of *Cant.* have gone the high waies of iniquity, and every one knows how to trace them, but Mines under ground are moſt conſiderable, which (unleſſe they be likewiſe found out) may at any time ſpring and ſupplant the whole fabrick of all our labours. Let us then examine this fantaſtick warre *ab initio*; leſt, as the Duke of *Burgundy* made a few Sheepskins the cauſe of his quarrel, ſo we ſhall find thoſe ſheets of paper, ſent under the name of a *Liturgy*, and book of *Canons*, were but the *Mopſas* of the ſtory to divert our eyes from the main deſigne.

Therefore my humble motion ſhall be for a ſelected Committee of no great number, who may have power from the Houſe to begin *ab origine mali*, reviſe every mans negotiations, who was either an Actor or Counſel-

ſellor ſince the firſt appearance of thoſe troubles in *Scotland*, and that they may examine the *Scottiſh* Counſell upon ſuch Articles, as the heavy preſſure of this Kingdome ſhall upon common fame adminiſter unto them.

By the Major.

The Order of the Houſe of Commons to the Lord *Major*, for the due obſerving the Sabbath day.

IT is this day ordered by the Houſe of Commons, the Aldermen and Citizens that ſerve for the City of *London*, ſhall intimate to the Lord *Major*, from this Houſe, that the Statutes, for the due obſerving of the Sabbath be put in execution. And it is further ordered that the like Intimation from this Houſe be made to the Juſtices of Peace in all the Counties of *England* and *Wales*. And the Knights of the Shire of the ſeverall Counties, are to take care that the Copies of this Order be accordingly ſent to the Juſtices of Peace in the ſeverall *Counties*.

FOaſmuch as the Lords Day, commonly called Sunday is of late much broken and prophaned by a diſorderly ſort of People in frequenting Taverns, Ale-houſes, and the like, and putting to ſale victuall and other things, and exerciſing unlawfull games and paſtimes, to the great diſhonor of God, and reproach of Religion, whereof

whereof the House of Commons now assembled hath been pleased to take notice, and by their order, intimation hath been given unto me, that the Statutes for the due observing of the Sabbath be put in execution. These are therefore in his Majesties name to will and require you forthwith, upon the sight hereof, that you give strict charge and command unto all and every the Churchwardens and Constables within your Ward, that from henceforth they doe not permit or suffer any person or persons, in the time of divine service or at any other time upon the Sunday, to be drinking or playing in any Tavern, Inne, Tobacco-shop, Ale-house or other victualling house whatsoever, nor suffer any Fruiterer, Milkwoman, or Hearbwomen to stand with fruit, milk, herbs, or any other Victuall or Wares, in any the streets, lanes, or allies within your ward, or any other wayes to put those things or any other to sale upon the Sunday at any time of the day or in the evening, not to permit or suffer any Person or Persons to use or exercise upon that day any unlawfull exercises and Pastimes within your ward, and that expresse charge be given to every keeper of any Tavern, Inne, Cookshouse, Tobacco-house, Alehouse, or any other tipler or victualler whatsoever within your ward, that hereafter they receive not or suffer to remain any person or persons whatsoever as their guests or customers to tiple, eate, drinke, or take Tobacco in their houses upon any Sunday, other then that Inholders may receive their ordinary guests, or Travellers and such like, who come to remain for a time in their Inne for dispatch of their necessary businesse. And if any person or persons shall be found offending in the premisses, that then they be brought before me the Lord *Major*, or some other of his Majesties Justices of Peace, to the end they may receive such punishment as to Justice shall appertaine. And hereof not to faile, as you will answer the contrary at your perill.

This thirteenth of *April*. 1641.

Occaſionall Speeches, made in the Houſe of Commons, this Parliament. 1641.

Concerning Religion. Novemb. 12. 1640.

Mr. SPEAKER,

IT was well obſerved by my Lord Keeper, that a multiplying Glaſſe may deceive; but the right Engliſh Glaſſe of the Common-wealth, never. In which I diſcern ſo comely and active a Motion, that out of all queſtion, ſome great work is here to be done, ſome thing extraordinary is here to be decreed; or elſe God and the King beyond all our expectations, at the laſt breath, would never ſo ſoon have cemented us again, to meet in in this great Councell.

Mr. *Speaker*, What an happy ſight will it be to ſee the King and his People accord? A threefold cord is not eaſily broken; and I hope King *Charles* his threefold Kingdomes ſhall never be ſo divided, as to breake in peeces.

Mr. *Speaker*, God knows, the diviſions of great Britain have halfe unwiſted our long Union; and I feare that God is angry with our Nationall lukewarme temper: The zeale of his houſe hath not kindled that flame

in our hearts; which our ſeeming good actions, have blown abroad; much like the walking of a Ghoſt, or liveleſſe body which affrights many, but pleaſeth no beholder. *Omnia honeſta opera, voluntas inchoat*; It is the heart or will which gives the beginning to every good action; and I hope our conſtant reſolutions will be to ſettle religion in his ſplendor and purity, by pulling *Dagon* from the Altar; and whipping the Buyers and Sellers out of the Temple; *Pars prima bonitatis eſt velle fieri bonum.* The firſt part of goodneſſe is to have the will of being good.

God knows all our hearts, and takes notice of our inward reſolutions, and for what ends we come hither, if to propagate and advance his glory and Goſpel, bleſſed ſhall this Parliament and Nation be, and then moſt happy we, whoſe God is the Lord, all things ſhall work together for our good. For Mr. *Speaker*, he that turns the hearts of Kings like the rivers of waters, will make the King and his kingdomes all of one mind: Long live King *Charles* the Great, and his numerous Royall Iſſue, to defend the true faith, which will protect and keep him and his, ſafe in his fathers Throne. Never King gave more full content to his people, than his Majeſty now hath done, and I hope never ſubjects came with better hearts and affections to their King and Countrey then we doe: let it then appeare M. *Speaker*, by our outward actions and practiſe, that our inward obedience both of heart and hand, is true, loyall, and currant coyn, not falſe nor counterfeit; for, *Nemo veraciter dicit, volo, qui non facit illud quod poteſt*; no man truly ſaies, I am in will and heart reſolved, unleſſe according to his ability, he endeavor to perform his reſolution, which, to ſpeak the hearts of us all in this renowned Senate, I am confident, is fully fixed upon the true reformation of all diſorders & innovations in Church or religion, and upon the well uniting, and cloſe rejoynting

of

of the now diſlocated great Brittaine: For let me tell you Mr. *Speaker*, that, God be thanked, it is but out of joynt, and may be yet well ſet, by the skilfull Chirurgions of this Honorable Houſe, to whoſe loving and Chriſtian care, and to whoſe tender and upright hands I leave it, onely with this Aviſo, let brotherly love continue, and be conſtant and of good courage; for the keeper of *Iſrael*, who neither ſlumbers nor ſleeps, who delivered us from *Romes November* powder-blaſt, will no doubt ſtill preſerve his Annoynted our gracious King, and us his loyall Subjects from all dangers of fire, or ſword; For, *Si Deus nobiſcum, quis contra nos?*

Upon the Scotch Treaty.

January 21. 1640.

Mr. Speaker,

THere is no malady more deſtructive to the naturall, or politick body, than the *mal Caduque*, or falling ſickneſſe, nor is there any Phyſitian or compound more to be eſteemed than that which can cure it in either. M. *Speaker*, this unknown remedy, if we be wiſe to apply it, and take the receipt with all the ingredients, without any ſcruple of diſtaſt; I am confident the recovery will be perfect, and the whole body of great Britaine ſafe and ſound. Mr. *Speaker*, the happy Union of *Scotland* and *England*, hath thus long ever ſince flouriſhed in interchangeable bleſſings of plenty, and mutuall love and friendſhip. But of late by what fatall diſaſters, and dark underminings we are divided, and ſevered into

Scotiſh and Engliſh Armies; let their well compoſed preambles ſpeake for mee, which I wiſh were printed as an excellent embleme of brotherly love, that diſcovers who hath wounded us both, and how each ſhould ſtrive to help the other in diſtreſſe, ſeeing their and our Religion and Lawes lie both at ſtake together. Thinke of it what you will, (Noble Senate) their ſubſiſtence is ours, we live or die, riſe or fall together. Let us then finde out the *Boutefeux* of this Prelaticall warr, and make them to pay the ſhot for their labour, who no doubt, long for nothing more than that we ſhould breake with them, who worſhip but one God, and ſerve but one Maſter with us: Nor need we feare that they intend to diſpoſſeſſe the Engliſh of their inheritance or freehold, being ready to withdraw their forces upon reaſonable terms, referring their demands of reparation for loſſes, to the juſtice and courteſie of this Houſe, which I aſſure my ſelf will give both a bountifull, cheerfull, and ſpeedy ſupply in this caſe of neceſſity; for, *Bis dat, qui citò dat*, is the beſt motto, or motion at this time.

Upon the Impeachment of the Lord Strafford, and Canterbury, &c. February 26. 1640.

Mr. *Speaker*.

I Take it we have now ſate in this great Councell 15. or 16. weeks, a longer time than any Parliament hath done theſe many yeers; God hath given us a faire and bleſſed opportunity, if we lay hold of it; and call to

minde

minde the beſt Motto for a Parliament, which is, *Non quam diu, ſed quàm benè.*

Mr. *Speaker*, We have had thus long under our Feathers many Eſtriges Egges, which as ſome obſerve are longeſt in hatching, but once hatched, can digeſt Iron; and we have many Irons in the fire, and have hammered ſome upon the anvill of juſtice into nayles; but we have not ſtruck one ſtroak with the right hammer, nor riveted one nayle to the head.

Mr. *Speaker*, God forbid we ſhould be cruell or vindicative to any; but let us take heed we be not ſo to our ſelves, and them that ſent us; if we doe not mend our pace, and ſo run as we may obtaine.

Mr. *Speaker*, I hope we ſhall make good the work we have undertaken, and win that prize and goale we aime at; elſe if we faile in this our purſuit of juſtice, it is time to look about us: for then I feare that we our ſelves ſhall hardly ſcape ſcot-free. It will not be our fixe Subſidies that will help us, unleſſe we be good husbands, and cut off all ſuperfluous charges, disband all needleſſe Armies, and diſ-arme all Papiſts, and baniſh all Prieſts, and Jeſuits; and then we ſhall thrive and proſper.

Provided alwayes that we deny our ſelves, and truſt not too much in the arme of fleſh, but be carefull to preſerve brotherly love and concord, leſt diſcord and faction break, divide, and ruine us: but I hope God will make us all of one minde and one publick ſpirit, that as we are deſcended from that ancient and noble Engliſh quiver, we may prove our ſelves a right ſheafe of Engliſh Arrows well united, well feathered, and ſharply piled for publick uſe, ſtoutly to defend and preſerve the publick good and ſafety of this famous Iland of great Britaine, and that is my humble prayer and motion.

Upon the Straffordian knot.

March 10. 1640.

Mr. *Speaker*,

IN this great and waighty cauſe, we ought ſeriouſly to conſider,

Firſt, what we our ſelves have done already in the accuſation and impeachment of this great Earle, of high Treaſon.

Secondly, let us remember what we now are, not only Parliament men, but publick men, and Engliſh-men.

As Parliament men, let us follow the ſteps of our anceſtours, and be conſtant to that rule of Law which was their guide, and ſhould be ours.

As publick men, forget not whom we here repreſent, and by how many choſen and truſted.

As Engliſh men let us call to minde the undanted ſpirits, & ſtout hearts of thoſe ancient Heroes, from whom we are deſcended, how free they were from Puſillanimity, and how they ſcorned all Flattery, and Slavery; let us then now or never, Mr. *Speaker*, ſhew the ſame blood runs in our veines.

Thirdly, let us be well adviſed what to doe, if in caſe we ſhall be denied juſtice in this particular, upon which depends not only the happineſſe, but the ſafety of this Parliament, of this Kingdome, of our ſelves, and of our Poſterities: and this is my *Aviſo*.

Upon the ſame Subject.

Aprill 9. 1641.

Mr. *Speaker*,

TRuth is the daughter of time, and experience the beſt Schoolmaſter, who hath long ſince taught many men and eſtates the ſad and woefull effects of an half-done worke; thoſe convulſions and renting paines, which the body of great Britain now feels, ſhews us that the ill humours and obſtructions are not yet fully purged, nor diſſolved.

Mr. *Speaker*, God will have a through work done; if in ſtead of redreſſing evils, we think to tranſact all, by removing of perſons, and not things, well may we huſh our troubles for a ſeaſon, but they will returne with a greater violence.

For believe it, Mr. *Speaker* (let us flatter our ſelves as we pleaſe) a dim ſighted eye may ſee, that although we thinke we have now paſſed the equinoctiall of the *Straffordian* line, and ſeem to have gone beyond *Canterbury*; yet their faction and undermining agents (of all Religions) grow daily more and more powerfull; and no doubt doe labour an extirpation of all Parliaments, and men that will not think, ſay, and ſwear to their opinions and practice.

Have we not then, Mr. *Speaker*, a wolfe by the eares? is there any way to goe Scot-free, or wolfe-free, but one? then let us take, and not forſake, that old Engliſh Parliamentary Road, which is *Via tuta*, and will bring us ſafely to our journeys end: that is my humble motion.

A.

A seasonable motion for a loyall Covenant

May 3. 1641.

Mr. *Speaker*,

IF ever we intend to perfect and finish the great works we have begun, and come to our journeys end, let us take and follow the right way, which is *Via tuta*; and that is in a word to become holy Pilgrims, not Popish, and to endeavour to be loyall Covenanters with God and the King; first binding our selves by a Parliamentary and Nationall Oath, (not a Straffordian, nor a Prelaticall one) to preserve our Religion entire and pure, without the least compound of Superstition, or Idolatry: next, to defend the defender of the Faith, his Royall person, Crown, and dignity, and maintain our Soveraigne in his glory and splendor, which can never be Eclipsed, if the ballance of justice goe right, and his laws be duly executed.

Thus doing, Mr. *Speaker*, and making Jerusalem our chiefest joy, we shall be a blessed Nation, and a happy People. But if we shall let goe our Christian hold, and lose our Parliament proofe, and old English well-tempered mettle: Let us take heed that our Buckler break not, our Parliaments melt not, and our golden Candlestick be not removed; which let me never live to see, nor *England* to feele the want of: that is my prayer concludes my former motion.

Mr.

M. *Hides* Argument before the the Lords in the upper House of Parliament. *April.* 1641.

MY Lords, I am commanded by the Knights, Citizens, and Burgesses of the House of Commons to present to your Lordships a great and crying grievance, which though it be complained of in the present pressures, but by the Northern parts, yet by the Logick and Consequence of it, it is the grievance of the whole Kingdome. The Court of the Presidents, and Councell of the North, or as it is more usually called, the Courts of York, which by the spirit and ambition of the Ministers, trusted there, or by the naturall inclination of Courts to enlarge their own power and jurisdiction, hath so prodigiously broken down the bankes of the first Councell, in which it ran, hath almost overwhelmed that Countrey under the Sea of Arbitrary power, and involved the people in a Labyrinth of distemper, oppression and poverty.

Your Lordships will give me leave not with presumption to informe your great understandings, but that you may know what moved the House of Commons to their resolutions to remember your Lordships of the foundation, and erecting this Court, and of the progresse and growth of it.

Your Lordships well know, that upon the suppression of all religious houses to such a value in the 27. yeere of *H.* 8. from that time to the thirtieth yeare of that Kings raigne, many (not fewer than six Insurrections)

and Rebellions were made in the Northern parts, under pretence of that quarrell, most of the under the cōmand of some eminent person of that country, the which being quieted before the end of the 13. year, that great King well knowing his own minde, and what he meant to doe with the great Houses of Religion; in the year following for prevention of any inconvenience that might ensue to him upon such distemper, in the 31. year of his reign granted a Commission to the Bishop of *Landaffe*, the first President, and others for the quiet government of the County of *Yorke*, *Northumberland*, *Cumberland* and *Westmoreland*, the Bishoprick of *Durham*, the County of the Cities of *Yorke*, *Kingston* upon *Hull*, and *New-Castle* upon *Tyne*. But my Lords this Commission was no other then a Commission of *Oyre* and *Terminer*, only it had a clause at the end of it, for the hearing of all causes reall and person, *quando ambæ partes, vel altera pars sit gravata paupertate fuerit, quod quomodo vis suum secundum legem Regni nostri, aliter persequi non possit*, which clause how illegall soever, for that it is illegall and void in Law, little doubt can be made, yet whether they exercise that part of the Commission at all, or so sparingly exercised it, that poore people found ease and benefit by it, I know not; but at that time I finde no complaint against it, till the comming in of King *James* the Commission continued still the same, and that in the first year of his Reigne to the Lord *Sheffeild* varied no otherwise from the former same, onely it had reference to Instructors which should be sent, though any new sent or no is uncertaine, but we can finde none.

In *June*, in the seventh yeare of the Reigne of King *James* a new Commission was granted to the same man (the Lord *Sheffeild*) very differing from all that went before, it being left out, that they should enquire *per sacramentum bonorum & legalium hominum*, and to heare and determine *secundum leges Angliæ*; Relation being had only

only to the instructions which were the first instructions, we can finde were sent thither, though I told your Lordships there were some mentions of some in 10 *Jac.* I shall not trouble your Lordships with these Instructions, nor with the other that followed in 14. *Jacobi* to the same man, nor in 16 *Jacobi*, when a new Commission was granted to my Lord *Sunderland*, nor indeed with any till we come to these present Instructions, and Commissions under which that part of the Kingdome groans and languisheth.

My Lord of *Strafford* came to that government in *Decemb.* 4. *Caroli*, and since the Commission hath been three severall times removed, in the first year in *March*, in the eighth in *Novemb.* in the thirteenth year of his Majesties reigne into that Commission of 8; and 13. a new clause served in for the granting, sequestring, and establishing Possessions according to Instructions, crowded in a Masse of new exorbitant and intolerable power, though our complaint be against this Commission it selfe, and against the whole body of those instructions: I shall not mispend your Lordships pretious time in desiring to have the whole read, but shall presume to trouble your Lordships only with five or six of the instructions, that by the vast irregularity of those your Lordships may judge, how insupportable the whole burthen is. I shall not trouble your Lordships with the nineth Instruction, though it be but short, which introduceth that, *miseram servitutem, ubi jus est vagum, & incognitum*, by requiring an obedience to such ordinances, and determinations, as be or shall be made by the Councell Table, or high Commission Court. A grievance my Lords, howsoever *consuendo & precantium claritas nobilitaverit hanc culpam*, of so transcendent a nature, that your Lordships noble Justice will provide a remedy for it, with no lesse care, then you would rescue the life and blood of the Common-wealth.

Read the 19. 22, 23, 24. 29. and 30. I will not trouble your Lordships with reading more, there being among them in the whole 58. Instructions, scarce one that is not against, or besides the Law.

Whether His Majesty may caution out a part of his Kingdome to be tryed by Commission, though according to the rules of Law, since the whole Kingdome is under the Laws and government of the Courts established at *Westminster*, and by this reason the severall parts of the kingdome may be deprived of that privilodge, will not be now the question; that his Majesty cannot by Commission erect a new Court of Chancery, or aproceeding according to the rules of the Star-chamber, is most cleare to all who have read *Magna Charta*; which allowed no proceedings, *nisi per legale judicium Parium & per legem terræ*: for our Court of Chancery here by long usage and proscription is grown to be as it were *lex terræ*. But my Lords, the thirtieth Instruction goes further, and erects such an Empire, such a Dominion, as shall be lyable to no contrary.

The Courts of *Westminster*, my Lords, have superintendences over all inferiours Courts to regulate their jurisdictions, if they exceed their limits. As to hold Plea of greater value, or the like in his exercise of Jurisdiction, the Judges are sworn to grant, and send prohibitions, and to stop the granting of these prohibitions, or to neglect them, when they are granted, is the greatest and boldest scorn of the Law, and the Law-makers that can be imagined.

The Kings Courts at *Westminster*, having been alwaies of that awfull and reverent esteem, with inferiour Judges, that the instances of such contempts against them are very rare and exemplary in the punishment.

The Bishop of *Norwich* in Trinity Term, in the twentieth year of *Edward* the third, in *Rot.* 289. in the com-

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mon Pleas in *Hilary* Terme 21. in the Kings Bench, was attached for disobeying a Prohibition at the suit of *Stracill*, upon full and solemne dissension of the whole matter, the Court resolved, that the proceedings of the Bishop were *inobedientiam & diminutionem Domini, & potestatis Regiæ authoritatis suæ lesionem & coronæ suæ exhereditationem manifestam*, &c. As the words of the Records are, and therefore adjudged the temporall tyes of the Bishop to be seised into the Kings hand, and great, very great dammages to be paid to Plaintiffes: And whosoever gave directions for these stout Instructions, might have remembred that no longer since then *Michaelmas*, in the seventh year of *Eliz. Rot.* 31. an Attachment was granted against the Archbishop of *Yorke* then President of that Councell, for forbidding the Goaler of *Yorke* to deliver one *Lambert* his Prisoner, who was sent for by a *habeas corpus* from the Kings Bench; and if they would have believed the resolution of all the Judges in *England*, in Trinity Term, in the 6 yeare of King *James*, they would have known how unfit it had been to enlarge that Jurisdiction, since most of their proceedings being of an inferiour nature to what they are now grown, were then declared to be illegall and inconsistent with the liberty of the Subject.

And can such a Court, as this my Lords, deserve to live? what a compendious abridgement hath *Yorke* gotten of all the Courts in *Westminster* Hall? whatsoever fals within the cognizance, or jurisdiction of either Courts here, is compleatly determinable within that one Court at *York*, besides the power it hath with the Ecclesiasticall and high Commission Courts.

What hath the good Northern people done, that they only must be disfranchised of all their priviledges by *Magna Charta*, and the Petition of Right; for to what purpose serve these Statutes, if they may be fined and imprisoned without Law, according to the discretion of the

commissioners? what have they done, that they, and they alone of all the people of this happy Iland must be disinherited of their birth-right, of their Inheritance? For prohibitions, writs of *Habeas Corpus*, writs of errour are the birth-right, the inheritance of the Subjects.

And 'tis here worth your Lordships observation, that to those many prohibitions, which have been granted from above, for till of late, the court of *Yorke* had not the courage to dispose prohibitions, nor indeed till our Courts here, had not the courage to grant them. Twas never known, that Court pleaded the Jurisdiction of their Councell, which without doubt they would have done upon the advantage of many great persons, in whose protection they have alwayes been, had they not known the Law, could not be misinterpreted enough to allow it.

Your Lordships remember the directions I mentioned of *Magna Charta*, that all proceedings shall be *per legale Judicium Parium, & per legem terræ*, now these Jurisdictions tell you, you shall proceed according to your discretion, that is, you shall doe what you please, onely that we may not suspect this discretion will be gentler and kinder to us then the Law, speciall provision is made no fine, no punishment shall be lesse then by the law is appointed, by no means, but as much greater, as your discretion shall think fit; and indeed in this improvement we find, Arbitrary Courts are very pregnant: if the Law require my good behaviour, this discretion makes me close Prisoner, if the Law sets me upon the Pillory, this discretion appoints me to leave my eares there.

But this proceeding according to discretion is no new expression, 'twas in the first Commission I told your Lordships of in the 31. *Hen.* 8. that they should proceed *secundum legem & consuetudinem Regni Angliæ, vel aliter secundum sanas discretiones vestras*, which in the interpretation of the Law, and that is the best interpreta-

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tation, ſignifies the ſame thing, to proceed according to diſcretion, is to proceed according to Law, which is *ſumma diſcretio*, but not according to their private conceit or affection: For *talis diſcretio* (ſaies the law) *diſcretionem confundit*: and ſuch a confuſion hath this diſcretion in theſe Inſtructions produced, as if diſcretion were onely removed from rage and fury: no inconvenience, no miſchiefe, no diſgrace, that the malice, or inſolence, or curioſity of theſe Commiſſioners had a minde to bring upon that people, but through the latitude and power of this diſcretion the poore people have felt, this diſcretion hath been the quickeſand which hath ſwallowed up their property, their liberty: I beſeech your Lordſhips reſcue them from this diſcretion.

Beſides, the charge that this Court is to his Majeſty, which is neer 1300. l. *per annum*, your Lordſhips will eaſily gueſſe, what an unſupportable burthen the many officers (whoſe places are of great value) the Attornies, Clarks, Regiſters, and above 1000. Sollicitors that attend the Courts, muſt be to that people (inſomuch) that in truth the Country ſeems to be divided into officers and dependants upon that Court: And the people upon whom theſe officers of that Court prey and commit rapines, as he ſaid in *Petronius*, *Omnes hic aut captantur, aut captant; aut cadavere quæ laterentur, aut corni quæ laterunt.* Truly my Lords, theſe vexed worn-people of the North are not ſutors to your Lordſhips, to regulate this Court, or to reform the judges of it, but for extirpating theſe Judges, and the utter aboliſhing this Court; they are of *Catoes* minde, who would not ſubmit to *Ceſar* for his life, ſaying, he would not be beholding to a Tyrant for injuſtice, for it was injuſtice in him to take upon him to ſave a mans life, over whom he had no power.

So theſe Gentlemen deſire not to be beholding to this Court hereafter for injuſtice. The very adminiſtra-

tion of Injuſtice, founded upon ſuch Illegall principles being a grievance and oppreſſion to the ſubject.

Firſt upon the whol matter the Houſe of Commons is of opinion, that the Commiſſion and Inſtructions whereby the Preſident and Councell of the North exerciſe a Juriſdiction, is illegall, both in the creation and execution.

Secondly, that it is improfitable to his Majeſty, for beſides ſo much, neer thirteen hundred pound taken out of his Majeſties revenues every year, his Majeſty loſeth the great benefit would accrew to him upon writs and upon Fines, upon Out-laws, and other profits, which redound to his Majeſty out of his Court here.

And which I had almoſt forgot to tell your Lordſhips of, that his Majeſty may be ſure to have benefit from that Court notable care is taken, by the fifty three Inſtructions, And if any money remaines over and above all diſburſements, it ſhall be beſtowed in providing Houſhold-ſtuffe, and furniture for the houſe, where the Lord Preſident and Councell uſe to be.

And laſtly, that it is inconvenient and grievous to His Majeſties ſubjects of thoſe parts.

And therefore they are humble Sutors to your Lordſhips, and the houſe of Commons, on this behalfe, that ſince this people doe, and have, in all matters of duty and affection contend with the beſt of His Majeſties ſubjects, that they may not be diſtinguiſhed from them in the manner of His Majeſties Juſtice and protection, ſince this Court originally inſtituted & continued by his Majeſty, for the eaſe and benefit of his ſubjects, is apparently inverted to the burthen and diſcomfort of them, that your Lordſhips will joyn with the Houſe of Commons in beſeeching His Majeſty, that the preſent Commiſſion may be revoked, and no more ſuch granted for the future.

A Speech of Master *John White* Counsellour, concerning Episcopacy.

EPiscopacy as it stands in this kingdom, comprehends in it *in limine vestæ*, these foure degrees, the Deacon, the Presbyter, the Bishop and the Archbishop. Every Archbishop wades through every of these ordinarily.

Of the first and last we have no *vestigium* in the holy scriptures. This Deacon may Preach and Baptize & help the Presbyter to administer the Lords Supper, but may not consecrate the Elements in the Lords Supper: contrary to the Scriptures, by which Preach and Baptize, is a full Commission for the exercise of all the ministeriall function. *Mat.* 28. 19. Book of ordering of Deacons.

The Deacon mentioned in holy Scripture, is the same in Office with our Church-warden, to looke to the Church goods and the poore, *Acts* 6. 1 *Tim.* 3.

The Presbyter is of all hands acknowledged to be, *Jure Divino*.

The Bishop is considerable in respect of his trayn, and secondly, in respect of himself.

His trayn are these, first the Dean and Chapter (called Prebends, *quia præberent auxilium Episcopo*,) and were originally ordained for his Counsell, to advise him in difficulties in Religion, and to advise him in, and consent unto his dispositions of his possessions, *Cok.* 9. Dean and Chapter of *Norwiches* case.

Secondly, the Archdeacon is the *oculus Episcopi* to discover and punish offences spirituall and Ecclesiasticall

within his limits, *& manus Episcopi*, to present unto him such as are to be made Deacons and Presbyters, and to induct such as he admits and institutes into Benefices.

Thirdly, his Chancellors, Vicars Generall, Commissaries, Officials, Surrogates, Registers, Promotors, and others belonging to his Cathedrals.

These be all meerly humane, and may be taken away without offence to God or conscience, if there appeare just cause for it.

The Bishop in respect of himselfe is considerable in his Barony and temporalties, and his spiritualties.

Case of tenures 35. a. The first, is meerly *Exgratia Regis*, and in this kingdome began 4. of *William* the Conquerour: And by vertue hereof, they have had place in the house of Peers in Parliament. 7. *H.8.* 1846. *Kel.* it is resolved by all the Judges of *England*, that the King may hold his Parliament by himselfe, his temporall Lords and Commons, without any Bishop, for a Bishop hath not any place in Parliament by reason of his spiritualties, but meerly by reason of his Baronry, and accordingly acts of Parliament have been made, 2 *Rich.* 3. *cap.* 3. and at divers other times.

They have usurped the name of Spirituall Lords but of late, and were first called so 16 *Rich.* 2. *c.* 1. in our Statutes.

By his spiritualties, I mean those wherein he is more then a Presbyter, and therein I consider his authority over Presbyters by the Oath of Canonicall Obedience, by which he may command them to collect rents granted in Convocation, &c. 20 *Hen.* 6. 13. p. 25.

Secondly, his Office which is partly Judiciall, and partly ministeriall; Judiciall, by which he is Judge in his Courts of all matters Ecclesiasticall and spirituall within his Dioceſſe, *Cok. Rep.* 8. *Trollops C.* Secondly, he is Judge of the fitnesse of such as are presented unto him to be instituted into Benefices, *Cok. rep.* 5. *Specots. cap.*

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Miniſteriall, and thereby have to ſacred places Dedicate to Divine Service. 9. *H.* 6. 17. *nec.* 8. Secondly, he is to provide for the officiating of Cures in the avoydance of Churches on neglect of the Patrons, preſenting thereunto. Thirdly, he is to certifie loyall Matrimony, generall baſtardy and excommunication. Fourthly, to execute Judgements given in *quare impedit*, upon the writ *Ad admittendum Clericum*, and other, &c.

Fifthly, to attend upon tryals of life, to report the ſufficiency or inſufficiency of ſuch as demand Clergy. Sixtly, to ordaine Deacons and Presbyters.

All theſe I conceive to be *Juris humani*, given to theſe Biſhops, and may upon cauſe be taken away from them.

Ob. Biſhops have been in the Primitive Church, and are Apoſtolicall and from the beginning.

Sol. To this I anſwer, firſt, that in the pure primitive times of the Church the Hiſtory whereof is recorded in the Acts and Epiſtles of the Apoſtles, (in which the firſt and beſt patterns of Church government is expreſſed) there is no mention of other Biſhops then the Presbyters, as appeares.

Firſt, the holy Scriptures declare the duties and office of Presbyters and Biſhops to be one & the ſame. The Biſhop is to teach and rule his Church or Congregation 1 *Tim.* 3.2.5. and the Presbyter is to teach and feed his flock, and to overſee, care for, and rule them, 1 *Pet.* 5.2.3.

Secondly, the Presbyters are in holy Scriptures, ſaid to be the Biſhops of the holy Ghoſt, *Acts* 20. 28. *Paul* charges the Presbyters of *Epheſus* to take heed to the flock whereof the Holy Ghoſt had made them Biſhops. And other Biſhops the Holy Ghoſt never made.

Thirdly, *Epheſians* 4. 11. God is ſaid to have given to his Church for the perfecting of the Saints, for the work of the Miniſtery, and for the edifying of the body of Chriſt, Apoſtles, Prophets, Evangeliſts, Paſtors and Teachers; here is an expres enumeration of the officers God

hath given, whereof the first three are extraordinary and ceased: and the last only remains, and is to remain untill we all come to perfection, as it is ver. 13. and this perpetuall Officer is called *Pastor* in relation to his flock whom he is to govern in *Spiritualibus*, and Teacher in respect of his duty to feed them with the word of truth, and is the very same with the Presbyter, as appeares above. *Argumentum à divisione ifi fortissimum.* The Bishop as he is any more then a Presbyter, is none of these, no Officer given by God, and therefore ought not to be in the Church; Christ the King of his Church was faithfull in his House, not only as a servant, as *Moses* was, but as the Son in an excellency and eminency, *Heb.* 3.5. and to his kingly Office it pertains to appoint the Officers he will use for the government of his Church in *spiritualibus*, and it agrees not with his faithfulnesse to neglect or omit the appointment of them, and leave his House, his Church, without such Officers. He is only wise, and therefore best knows what Officers are usefull for his Church, and infinitly loving of his Church, and therefore hath not left her without any Officer fit for her.

Ob. *Titus* in the end of *Pauls* Epistle unto him, is said to be the first Bishop of *Crete*, and *Timothy* in the end of the Epistles unto him, to be the first Bishop of *Ephesus*.

Sol. Those additions are spurious, and no part of the holy Scriptures; and as *Beza* observes, are not in many greek ancient copies to be found, and this is so evident as it is granted by most Divines. 2. And as they be no part of the Scriptures of God, so they be apparently contrary unto them, for by them it appears, that they, namely *Titus* & *Timothy*, were Evangelists, extraordinary officers, associats and fellow-helpers of the Apostles in their generall and Universall function, attendant upon them, and sent by them (as occasion required) from one Church to another, never keeping any fixed residence any where, and if they had been Bishops of any place,

Perk. upon Gal. 6. *in fine.*
For Tim. See 1 Cor. 4. 17. & 16. 10. Acts 17. 13. 15 & 19. 22. & 20. 4. 1 Thes. 3. 1. 6. Heb. 13. 25. Colos. 1. 1. Phil. 1. 1. & 2. 19.
For Titus See 2 Cor. 7. 13 & 8. 16. 23. and 12. 18. Gal 2. 1. 2 Tim. 4. 10. Tim. 1. 3. and 3. 12.

Paul.

Paul would never have ſuffered, much leſſe forced them to be non-reſidents.

Saint *John Revel.* 12. 3. writing to the 7 Churches of *Aſia* directs his ſpeech to the Angel of each Church, and in each of thoſe Churches there were then ſeverall Congregations and Presbyters, therefore the Angel was the Biſhop over them. *Ob.* 2.

To this I anſwer, that as Angel is a name common to all Presbyters who are Chriſts Meſſengers and Ambaſſadors: So it appears to be uſed here by the very context cap. 2. v. 10. Where ſpeaking to the Angel of the Church of *Smyrna*, the holy Ghoſt ſaith, *Feare none of the things thou ſhalt ſuffer; the Devill ſhall caſt ſome of you into priſon, but be thou faithfull, &c.* Angel (being *nomen multitudinis*) is taken in theſe chapters collectively for all the Presbyters (ſome of whom the adverſaries ſhould impriſon,) and not for any one above or before the reſt. The ſame appears in the like manner, ver. 13. 23.

Seeing then the Epiſcopacy may be taken away in all, wherein it exceeds the Presbyters office, and that the office of the Presbyter is cleerly *jure divino*; I conceive we are firſt to reſtore the Presbyter to his due, and to him it belongs to teach and feed his flock and to overſee, care for, and rule them in *ſpiritualibus*, *Act.* 20. 17. 1 *Tim.* 3. 2. 5. 1. *Pet.* 5. 2. 3. So ſaith the holy Scripture.

And ſo ſaith our Law alſo. He is to miniſter the Doctrine and the Sacraments, and the diſcipline of Chriſt, as the Lord hath commanded, and as this Realme hath received the ſame according to the commandements of God: See the booke of Ordering of Priests in the 3. queſtion. And he is called in our Law *Rector Eccleſiæ*, and the words of his inſtitution be, *Te rectorem Eccleſiæ inſtituimus curamque & regimen animarum parochianorum tibi in Domino committimus.*

The Biſhops have taken by uſurpation from the Presbyter divers rights: firſt, contrary to his Ordinati on

and institution, they will not suffer him to preach in his own Cure without a license.

Secondly, they restrain him from preaching some doctrines, as of predestination and others that overthrow Arminian tenets, when his faithfulnesse in his Office requires he should keep nothing back, but to shew them all the counsell of God, *Acts* 10. 27. Thirdly, they will not suffer him to intermeddle in the discipline. These usurpations I conceive are to be taken away, and the Presbyter to be left free from them.

This is read to the Presbyter upon his Ordination, and his charge then given him is remarkable. See the booke of ordering Priests.

Secondly, for the Episcopacy, I conceive, that first their Baronies and the intermedling of the Clergy in Civill Councels, affaires, and imployments, ought to be taken from them.

First, I conceive such Bar. and intermedling is against the Law of God, Christ refused to intermeddle in dividing inheritances (though more able and fit for it then any Bishop) *Luke* 12. 13. and saith his Kingdome is not of the world, *John* 18. 36. and the Disciple is not above his Master, *Matt.* 10. 24. and *Acts* 6. The Apostles refuse to intermeddle in the Deacon or Churchwardens office, though of all earthly imployments the neerest to the Church; and the reason they give is remarkable for this purpose, because they were to attend to Prayer and Administration of the word, and therefore not meet for them to attend such secular matters, and 2 *Tim.* 2. 4. The Apostles laies down a rule in this case, that *nemo militans Deo se implicat negotiis hujus seculi*, and upon this ground, even the Popes Canon-laws are against these things, as inconsistent with the ministeriall function. And the due execution of the commission, Goe preach and baptize, is of it selfe burthen and work enough for any man whatsoever his gifts and parts be, and made *Paul* though of a more excellent and able spirit, cry out under the sense of the waight of it, Who is sufficient for these things? 2 *Cor.* 2. 16.

Secondly,

Secondly, it is against the fundamentall Laws of this Land, whereby they that are within holy Orders, that they may the better attend upon, and discharge their duties, are not to be intangled with temporall businesse, and therefore if any such be chosen to any temporall office, the Law hath ordained a writ to discharge them thereof, *Reg.* 187. 6.

Non est consonum quod ille qui salubri statui animarum & piis operibus continue deservit ad infistendum in secularibus negotiis compellatur. vide the writ.

The King may command the service of men in orders, and then it is to be given him by naturall allegiance.

This rule admits two exceptions and both are in this case: first, except the service from that person be against the Law of God as here it is, and then it is better obey God then man, *in præsentia majoris cessat potestas minoris.*

Secondly, if the service concern the Common-wealth, and the person of whom it is required, be not sufficient for it, nor brought up unto it, the command is against Law, and the service not to be done, if the King grant the Office of the Clarke of the Crown to one not brought up to it, it is void, and the service not to be intermedled withall by him, 9 *Ed.* 4. 56. *Winters* case.

Secondly, that part of the Bishops spirituall office by which he claimeth superiority over Presbyters ought so be taken as I conceive from them as being against the will of God.

The Apostles questioning among themselves which should be the Superior, are sharply reproved by our Saviour for it, and he tels them plainly it shall not be so among them, *Mark* 10. 42. *Luke* 22. 25. and *Diotrophes*, 3 *Joh.* 9. is branded for it, that he sought preheminence in the Church. The mystery of iniquity in the Popish Hierarchy, in the Presbyters exalting themselves, began to work in the purest primitive times, (as we see in *Diotrophes*, and *Peters* caveat, 1 *Pet.* 5. 3.) and never left till it came to the Pope, the highest degree and top thereof; By which it seems to me evident, that to leave the pattern of Church government set down in the word of

2 Thes. 2. 7.

God,

God to follow the examples of after ages upon a false cry of primitive times, is to forsake the pure fountain, and wallow in the muddy and corrupted streams of anti-christian ambition.

Thirdly, that part of the spirituall office of the Bishop whereby he is to instruct the people committed to his charge, with the holy Scriptures, as upon the 2 question put unto him at his Consecration, he undertakes to doe, ought (as I conceive) to be reduced to a possibility for him to performe it. It is impossible for him to doe it to a whole Diocesse, therefore he should be limited to some particular Congregation, unto which he might perform this trust, which requires sufficiency, attendance and diligence.

Fourthly, Ordination in the scriptures is ever expressed to be by them in the Church, that had authority and were officers in the Church, as Apostles, Evangelists and after by the Presbytery, 1 *Tim.* 4. 14. 2 *Tim.* 1. 6. And a shadow of this remains in our Law, for the Bishop only is not to lay hands upon the party to be ordained, but the Presbyters there attending are to joyn with the Bishop therein. This I conceive is not fit to be in the hands of any one ordinary officer in the Church, the discerning of the gifts, abilities and faithfulnesse of persons to be ordained Presbyters, requiring great judgement, care, and circumspection. *Plus vident oculi quam oculus.* The like I say of deprivation.

Acts 14. 23. Titus 1. 5, 6, 7.

Books of ordering Priests.

Fiftly, Excommunication by the Scriptures ought to be only in case of enormous offences and obstinacy in them, and onely in the Congregation whereof the party to be Excommunicate is a member, 1 *Cor.* 5. 4. Tell the Church cannot be meant of one man, *Mat.* 18. 17. *Diotrophes* is branded for taking upon him alone to cast any out of the Church. This also abused as well as usurped by the Bishop is to be reformed.

Sixtly, Institution and induction are usurped by the Bi-

Bishops upon the fundamentall Laws of this Kingdome, by which the Patron after his Clerk was ordained, did without any more invest him into the Church. See *Selden* of tithes 86. And a relick of this we retain still in Churches that be donatives.

Seventhly, The jurisdiction of tithes, causes matrimoniall, and causes testamentary in the times of the increasing power of the Pope, when the Bishops thereby grew more formidable, were taken from the Civill Magistrate to whom originally they belonged, upon pretence, that the tithes were *Jure divino*, the Churches patrimony and Mariage a Sacrament, and that the disposing the goods of the dead, most properly belonged to him for the good of the soule in Purgatory to redeem it thence, to whom the cure of the Soule appertained in his life time, *vide* 2 *R.* 3. *Testaments* 4. 11 *H.* 7. 12 *B. Plowden* 279. *B. Foxes c. Cok. rep.* 9. 37. *B. Houstoes case. Dames rep.* 97. *B. Lalors c. Selden* of tithes, 415.

Eighthly, The matters which are meerly and only spirituall, (which are properly of Ecclesiasticall cognizance) were anciently by the Lawyers of this Kingdome, heard and determined in the County and hundred Courts by the Sheriffe and the Bishop, and by *William* the Conquerour these matters were taken thence and appropriated to the Bishop alone, 2 *R.* 2. *Rotul.* Parliament, num. 12. *Selden* of tithes 412. Book of Martyrs, 154.

And by the Law of God (as I conceive) they ought to be heard & determined by them that have rule in the particular congregations and Churches, *Mat.* 18. 17. 1 *Cor.* 5. which if it were so among us would be a wonderfull ease, and save great charges to the subject.

And where the difficulty of case or greatnesse of the persons whom it may concern, or where the Governors in particular Congregations demean not themselves as they ought, it ought to be referred to a Synod of Presbyters, so many as shall be thought meet, as *Acts* 15. a

queſtion of difficulty ariſing in the particular Church of *Antioch*, and the diſſention growing great about the ſame, they ſent to *Hieruſalem*, and there the Apoſtles and Presbyters convened, debated, concluded, and decreed the matter, and impoſed the obſervation thereof upon *Antioch* and other Churches, ver. 1, 2, 6, 28. The Apoſtles would not meddle in the queſtion without the Presbyters, and other Biſhops there were none there, nor in the Churches. And *felicius expediuntur negotia commiſſa pluribus*, in the multitude of Counſellors there is ſafety, *Proverb.* 11. 14.

And the change of our Laws (in caſe this Houſe ſhall ſee cauſe for it) will not be ſo great or difficult as is conceived by ſome. For ordination, admonition, ſuſpenſion and deprivation of Presbyters, and the judgement of the fitneſſe of perſons to be inveſted into Benefices Eccleſiaſticall, and the care of providing for the ſerving of Cures during the vacancy and avoydance of Churches, and taking of the ſubſcription of Miniſters to the Articles of Religion: and the viſiting of Hoſpitals, whoſe Founders have appointed no viſitors, which are now in the Biſhop, may be ſettled in a convention of Presbyters, to be appointed for every hundred, from whom appeale may be had upon every gravamen to a greater Aſſembly of them, and thoſe Presbyters, or any one of them, may be inabled to give the Oathes of Supremacy and alleageance, where the Biſhop is authoriſed to give the ſame. And Excommunication may be ordered to be certified by the Parſon, Vicar or Stipendary of that Church where the party is excommunicate. And all Churches preſentative, may be filled by inveſture of the Patrons, and all queſtions concerning them be determined by the ſame rules of law as Donatives are, And loyall Matrimony be tryed by a Jury where the woman is party to the ſuit, as now it is where ſhe is not party, ſo E. 3. 15. p. 5. 11. *H.* 4. 4. B. 30. and as it is now, where the iſſue is

13 Eliz. cap. 12.
14 Eliz. cap. 5.
5 Eliz. c. 1.
7 Jac. cap. 6.

Nimi

Nient ſa femme, 12. *E.* 3. Briefe 481. 50. *E.* 3. 15. *B.* 7. *H.* 6. 12. June 35. *H.* 6. 9. P. 10. *Coke* 8. *E.* 4. 12. a *Liton*: And Baſtardy generall & Baſtardy beyond Sea, within the Statute, 25 *E.* 3. *De natis ultra mare*, may be made tryable by Jury, as now ſpeciall Baſtardy is 11 Aſſ. 20. 38. aſſ. 24. 39. *E.* 3. 21. 6. & 7. *Ed.* 6. *Dier.* 79. P. 52. So tithes may be reduced to the Common Law and be ſued for there, as it was ever in the caſe of the King or his Debtor 38. aſſ. 20. *Cok.* r. 5. 16. a *Cawdreis* caſe, and as it is by the Statute of 2 and 3 *E.* 6. cap. 13. And for the Biſhops attendance on tryals of life, it is needleſſe, he being no Judge in it, but the Court, who may appoint any other, or doe it themſelves. And for Sacring of Churches and other dead things, it is fit to be neglected and left off, being a Popiſh vaine ſuperſtition, and without colour of countenance from the word of God, the Leviticall conſecrations being typicall and ſhadows of the good things we enjoy under the Goſpel, *Heb.* 9. 19, &c.

The Biſhop being thus reformed and reduced to a condition and ſtate agreeable to the word of God, the only right rule of reformation:

1. The Deans, Chapters, Vicars Generall, Chancellors, and the reſt of his Traine, *qua tales* (being *telluris inutile pondus*) are to be removed and taken away alſo as ſuperfluous and uſeleſſe. 25 Exod. 9. 40. 1 Chron. 23. 11. 19. Ezek. 43. 10. 2 Cor. 4. 6.

We have intruſted the Epiſcopacy theſe foureſcore and two years with the cure of Soules, a truſt of the higheſt concernment, if we conſider the price of Souls. Our Saviour is at a ſtand in it, *What ſhall a man give in recompence for his Soule?* the price of it is beſt ſeen in the price given for it, God and man muſt become a curſe to redeem it. Mat. 15. 16.

How have they diſcharged this truſt? Survay the Churches throughout the Kingdome, and you ſhall finde neer eight parts of tenne of them filled with Idoll,

idle, or scandalous Ministers, whom the Bishops might have by law refused, if discovered unto them beforehand, and ought to have removed being discovered unto them afterwards. And it hath abundantly appeared this Parliament upon examinations taken in this House of Commons and the Committees thereof; that when Ministers extreamly scandalous, have been discovered to the Bishops and their Officers, and in the High-commission Court, they have received no further censure then admonition, or to be put to purgation, and so sent home to destroy more Soules, as if they had not done sufficiently in that way before.

But if any godly, learned, and painfull Preacher hath been discovered by them, they have sought out all occasions against such, to thrust them out of the Church, and lay their Congregations waste and desolate, and every trifle, though indifferent in their own account, hath been made use of, and sufficed them for this, yea, they have made occasions and traps to overthrow such worthies without Law and against Law.

And herein they have inherited the vertues of *Diotrephes* their first Predecessor, who would not receive the brethren, and forbad them that would, and cast both out of the Church, 3 *John* 10.

And though some of the Bishops have been and are good men, yet look into their Dioceſſe, and the Churches in their gift, and judge whether they be good Bishops or no, you shall finde them as faulty concerning this great trust as any of the rest. And whether it be not from hence evident, or at least greatly to be suspected, that some curse cleaves to the very Office of Bishops, when good men cannot manage it to any better purpose then the bad, let any man judge.

This Spirituall Monarchy hath two incidents inseparable unto it, first that it is alwayes incroaching and usurping upon other powers, and swallowing them up,

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as the *series* of all ages aboundantly manifests. Secondly, that it is ever inclining and returning to Popery, and the Religion of Antichirst, as hath most cleerly appeared, even in our daies as well as before since the restoring of Religion; I shall for this time instance onely in three places of the Rubrick corrupted by Bishops: In the Rubrick confirmed by act of Parliament, in the beginning of it, It is directed, that prayer shall be in such place of the Church or Chancell, and the Minister shall so turne him, as the people may best heare.

In the Rubrick as it is now Printed, prayer shall be used in the accustomed place, &c. except it shall be otherwise determined by the Ordinary.

Whereby they have introduced the Popish practice of reading Prayers at the upper end of the Chancell at their Altar, where few in the Church can see them, and fewer heare them, and turning their faces to the East, and their backs to the people in reading in the Desk, and colour all with the determination of the Ordinary.

Secondly, in the Letany, there are these words in the book of Common prayer confirmed by the Statutes of 5. and 6. *Ed.* 6. and of 1 *Eliz.* From the tyranny of the Bishop of *Rome*, and all his detestable enormities, good Lord deliver us; and that the Bishops in the latter books have caused to be left out wholly.

Thirdly, in the Rubrick concerning the administration of the Lords Supper, as it stands now altered, an excellent declaration of the reason why kneeling at this Sacrament was left in the reformation, and a renunciation of Transubstantiation, Consubstantiation, adoration of the bread and wine, as abhominable Idolatries, are wholly obliterate and left out, that the use of that gesture there might be rendred the more suspicious and superstitious, and a more clear way might be made, to induce the Popish superstitious innovations, that have been since obtruded upon us, concerning the Table,

Altar, ſupereminent preſence of God almighty there, cringings, Altar-worſhip and the like. And I conceive alterations were made by the Biſhops, as appeares unto me by the Proclamation they procured to be ſet forth 5. *Martii*, 1. *Jac.* concerning the booke of Common prayer.

And how can things proſper better in the hands of the Epiſcopacy, when Gods bleſſing alone giveth out proſperity, and the Lord diſpoſeth his bleſſing in his owne way only, and not in any other?

And this being no plant planted by God in his Church, how can it be expected it ſhould yeeld us any better fruits then we have received from it?

Againe, (if I be not much deceived) the Epiſcopacy in whatſoever it exceeds the Presbyters office (in which ſenſe only I ſpeak of it) is a branch of the Hierarchy of *Rome*, and of the Antichriſt: and of that conſider what is propheſied *Revel.* 14. 11. They ſhall not have any reſt day nor night, that receive any print of the name of the Beaſt; and examine the former and preſent times, whether the ſame hath not been verified among us, and in all ſuch places where that Hierarchy hath been entertained, whether the moſt troubles and miſeries of the Churches, and in great part alſo of the Common-wealth, have not ſprung from the ſaid Epiſcopacy and the fruites thereof?

Therefore let us proceed to the perfecting of the Reformation of our Church, and to the gathering out of it every ſtone that offends, even whatſoever is not according to God, and the ſtandard of his word, and reduce every thing in the government to the rule, and walke in it in Gods way, which is the ſure way to have his preſence with us, and bleſſing upon us and ours for ever.

It hath ever been a point of higher honour from God, and of greater acceptance and eſteem with him to advance

vance the reformation of his Church and worſhip; and was & ever will be a reproach from him, and blot upon ſuch as have left any thing not agreeable to his word unreformed, and not taken away: Up then let us be doing, and the Lord will goe before us, and make plain all mountains that may occurre in our way, and give a bleſſed iſſue and ſucceſſe.

2 Cro. 17. 6 & 34. 3.
1 Kings 15. 14.
2 Kings 12. 3.
1 Cron. 28. 16.
Zac. 4. 7.

To the honorable Houſes of *Parliament* now aſſembled.

The humble Petition of many of the Inhabitants within his Majeſties County of *Kent*:

Moſt humbly ſhewing,

THat by ſad experience we doe daily finde the Government of the Church of *England*, by *Arch-Biſhops*, *Biſhops*, *Deans* and *Arch-Deacons*, with their *Courts*, *Juriſdictions*, and *Adminiſtrations* by them and their inferiour Officers, to be very dangerous both to *Church* and *Commonwealth*, to be the occaſions of manifold *Grievances* unto his Majeſties Subjects, in their Conſciences, Liberties, and Eſtates, and likely to be fatall unto us in the continuance thereof, the dangerous effects of which Lordly power in them have often appeared in theſe particulars following.

1 They doe (with a hard hand) over-rule all other Miniſters, ſubjecting them to their cruell Authority.

2 They doe ſuſpend and deprive many godly, Religious and painfull Miniſters, upon ſleighs, and upon no grounds, whileſt in the mean time few of them preach the Word of God themſelves, and that but ſeldome, but they doe reſtrain the painfull preaching of others, both for Lectures, and for afternoon Sermons on the Sabbath day.

3 They doe countenance, and have of late encouraged *Papisti Priests*, and *Arminian* books and persons.

4 They hinder good and godly books, yet they doe license to be published many Popish and Arminian and other dangerous Books and Tenents.

5 They have deformed our Churches with *Popish Pictures*, and seated them with *Romish Altars*.

6 They have of late extolled and commended much the *Church of Rome*, denying the Pope to be Antichrist, affirming the *Church of Rome* to be a true Church in *Fundamentals*.

7 They have practised and enforced antiquated and obsolete *Ceremonies*, *as standing at all Hymns*, and at *Gloria patri*, turning to the East at severall parts of the *Divine Service*, *Bowing at the Altar*, *which they term the place of Gods Residence upon earth*, *the reading of a second Service at the Altar*, *and denying the holy Sacrament of the Eucharist to such as have not come up to the new set rayl before the Altar*.

8 They have made and confirmed new illegall Canons and Constitutions, and framed a most pernitious and desperate Oath, an Oath of covenant and confederacy for their own *Hierarchicall greatnesse*, besides many other very dangerous and pernitious passages in the said Canons.

9 They doe dispense with pluralities of Benefices, they doe both prohibit and grant Marriages, neither of them by the rule of Law or Conscience, but doe prohibit that they may grant, and grant that they may have money.

10 They have procured a licentious liberty for the Lords day, and have pressed the strict observation of the Saints *Holydayes*, and doe punish, suspend and deprive godly Ministers, for not publishing that book for liberty of sports on the Sabbath day.

11 They doe generally abuse the great *Ordinance of*

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Excommunication, making a great gain of it, ſometimes, to the great diſcomfort of many poore ſoules, who for want of money can get no abſolution.

12 They claim their *Office* and *Juriſdiction* to be *jure divino*, and doe exereiſe the ſame contrary to Law in their own names, and under their own Seals.

13 They receive and take upon them temporall Honours, Dignities, Places and Offices in the Common wealth, as if it were lawfull for them to uſe both ſwords.

14 They cognizance in their Courts and elſwhere of matters determinable at the *Common Law*.

15 They put Miniſters upon *Pariſhes* without the *Patrons* and without the peoples conſent.

16 They doe yearly impoſe Oaths upon *Churchwardens*, to the moſt apparent danger of filling the land with perjuries.

17 They doe exerciſe Oaths *Ex Officio* in the Nature of an inquiſition even unto the thoughts of mens.

18 They have apprehended men by *Purſevants* without citation or miſſives firſt ſent, they break up mens houſes and ſtudies, taking away what they pleaſe.

19 They doe aw the Judges of the Land with their greatneſſe to the inhibiting of prohibition, and hindering of *Habeas Corpus* when it is due.

20 They are ſtrongly ſuſpected to be confederated with the Roman party in this Land, and with them to be *Authors*, *Contrivers*, *or Conſenters* to the preſent *Commotions* in the *North*, and the rather becauſe of a Contribution by the Clergy and by the *Papiſts* in the laſt year 1639. and becauſe of an ill-named benevolence of ſix Subſidies, granted or intended to be granted this yeare 1640. thereby and with theſe monies to ingage (as much as in them lay) the two Nations into blood.

It is therefore our humble and earneſt prayer, that all

this Hierarchicall power may be totally abrogated, if the wiſdome of this Honourable Houſe ſhall finde that it cannot be maintained by Gods word and to his glory.

And your Petitioners ſhall ever pray, &c.

The Petition of the Citizens of London to both houſes of Parliament, wherein is a *Demonſtration* of their grievances, together with their deſires for Juſtice to be executed upon the Earle of *Strafford*, and other DELINQUENTS.

To the moſt Honorable Aſſembly of the Lords and Commons in this preſent Parliament.

The humble Petition of divers Citizens of London

SHeweth, that notwithſtanding his Majeſties gracious Anſwer to the humble *Petition* of his Loyall Subjects in ſummoning this Parliament, with the great care, and endeavoured pains, taken by both Houſes for the removing the heavy Grievances in Church and Commonwealth, whereof the *Petitioners* have already received ſome fruit; for which they deſire to return their moſt humble and utmoſt thanks, yet nevertheleſſe, they are inforced with all Humility to repreſent to this moſt Honourable aſſembly, ſome of theſe Obſtructions which doe ſtill hinder that freedome and fulneſſe of Trade in this *City* they have formerly had, & which conſide-

ſidering the numerous Multitude thereupon depending, they conceive it not able comfortably to ſubſiſt.

As the unſetled Condition of the Kingdome, even ſince the troubles in *Scotland* hath cauſed both ſtrangers, and alſo of our own, who did furniſh great ſumms of money to Uſe to call it in, and remit much of it by Exchange unto Forraine pars, and ſtands now in Expectation of what the iſſue of things may be.

The ſtopping money in the *Mint*, which till then was accompted the ſafeſt place, and ſureſt ſtaple in theſe parts in the world, ſtill doth hinder the importation of Bullyon, the *Scots* now diſabled to pay ſuch debts as they owe to the *Petitioners* and others in the City, and by reaſon of the oppreſſions exerciſed in *Ireland*, their debts alſo are detained there.

The *Engliſh* Trade by reaſon of our generall diſtractions and fears is ſo much decayed, that Country tradeſmen can not pay their debts in *London* as formerly.

The great ſumms of money unduly taken by his Majeſties Officers and Farmers, for impoſitions upon Merchandize exported and imported, and the want of reliefe in Courts of Juſtice againſt them.

The drawing out from the City great ſumms of money (which is the life and ſpirit of Trade) for his Majeſties ſervice in the North, and being there imployed is not yet returned.

Beſides all which from what ſtrong and ſecret oppoſition the Petitioners know not, they have not received what ſo much time and pains might give and cauſe to hope, but ſtill incendiaries of the Kingdoms and other notorious offenders remain unpuniſhed, the affaires of the Church notwithſtanding many Petitions concerning it and long debate about it remains unſettled, the Papiſts ſtill armed, the Laws againſt them not executed, ſome of the moſt active of them ſtill at Court, Prieſts and Jeſuits not yet baniſhed, the *Iriſh* Popiſh army not yet

disbanded, Courts of Justice not yet reformed, and the Earle of *Strafford* who as now appears hath counselled the plundering of this City, and putting it to fine & ransome, and said *it would never be well till some of the Aldermen were hanged up*, because they would not yeeld to illegall levies of moneys, hath so drawn out and spent his time in his businesse to the very great charge of the whol Kingdome, and his endeavour to obtain yet more; all which makes us fear there may be practices now in hand to hinder the birth of your great endeavours, and that we lie under some more dangerous plot then we can discover.

All which premisses with their fears and distractions growing there-from, and from things of the like nature, the *Petitioners* humbly offer to the most grave consideration of this most honorable assembly, as being the true causes of decay of Trade, discouragement of Tradesmen, and of the great scarcity of monies, with the consequences they labour under.

And do humbly pray that their said grievances may be redressed, the causes of their fears removed, Justice executed upon the said Earle and other incendiaries and offenders, the rather in regard till then, the Petitioners humbly conceive neither Religion nor their lives, liberties or estates can be secured.

And as in duty bound they shall ever pray, &c.

Subscribed to this Petition 20000. *all men of good ranke and quality.*

Sir *John Wrayes* Speech concerning Bishops. 1641.

THE first challenge for Lordly Primacy hath of old been grounded out of the great Charter, by which they

they hold an Epiſcopall Primacy or Juriſdiction to belong to their ſtate of Prelacy: this is their temporall foundation and main object. Here I demand of them, unto what Church this great Charter was granted, and whether it were not granted unto the Church of GOD in *England*? Let the words of the *Magna Charta* decide this, which are theſe; *Conceſſimus Deo pro nobis in perpetuum, quod Eccleſia Anglicana libera ſit, habeat omnia Jura ſua integra & libertates ſuas illeſas.* Now by this Charter, if it be rightly interpreted, there is firſt proviſion made that honour and worſhip be yeelded unto God, as truly and indeed belong unto him.

Secondly, that not only ſuch Rights and Liberties as the King and his Progenitors, but alſo that ſuch as God had endowed the Church of *England* with, which God himſelf hath given by his Law unto the univerſall *Church*, and in that which the Kings of *England* by their *Charter* have bequeathed to the particular Church of *England*; and this we doubt not was the cauſe that moved *Hen.* 8. ſo effectually and powerfully to bend himſelfe againſt the Popes Supremacy, uſurped at that time over the Church of *England*; for, ſaith the King, we will with hazard of life and loſſe of our Crown uphold and defend in our Realms whatſoever we ſhall know to be the will of God.

The Church of God then in *England* not being free, according to the great *Charter*, but in bondage and ſervitude to the *See* of *Rome*, contrary to the Law of God, the King judged it to ſtand highly with honour, and his Oath to reform, redreſſe, and amend the abuſes of the ſame *See*.

If then it might pleaſe our gracious Soveraign Lord King *Charles*, that now is, in Imitation of that his noble Progenitor to vouchſafe an aboliſhment of all Lordly Primacy executed by Archepiſcopall and Epiſcopall authority over the Miniſters of *Chriſt*, his Highneſſe

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in ſo doing could no more rightly be charged with the violation of the great *Charter*, then might King *Henry* the eight, with the baniſhment of the Popiſh Supremacy, or then our late Soveraign Lady Q. *Elizabeth* could be juſtly burdened with the breach of her Oath by the Eſtabliſhment of the *Goſpell*. Now if the Kings of *England* by reaſon of their Oath were ſo ſtraitly tied to the words of the great *Charter*, that they might not in any ſort have diſanulled any ſuppoſed Rights or Liberties of the Church uſed and confirmed by the ſaid *Charter* unto the Church, that then was ſuppoſed to be the Church of God in *England*, then belike King *Henry* 8. might be attainted to have gone againſt the great *Charter* and againſt his Oath, when by the overthrow of *Abbeys* and *Monaſteries* he took away the *Rights* and *Liberties* of the *Abbots* & *Priers*, for by expreſſe words of the great *Charter*, *Abbots* and *Priers* had as large and ample a *Patent* for their Rights and Liberties, as our Archbiſhops and Biſhops can at this day challenge for their Primacy.

If then the Rights and Liberties of the one, as being againſt the Law of God, be duely and lawfully taken away, notwithſtanding any matter, clauſe or ſentence contained in the great Charter, the other having but little reaſon by colour of the great *Charter* to ſtand upon their pantofles, and to contend for their painted ſheaves, for this is a Rule and Maxime in Gods laws; that *In omni Juramento ſemper excipitur authoritas majoris.*

Unleſſe then they be able to juſtifie by the holy ſcriptures, that ſuch Rights and Liberties, as they pretend for their ſpirituall Primacy over the Miniſters of Chriſt, be in Deed and Truth inferred unto them by the holy law of God, I ſuppoſe the Kings Highneſſe (as ſucceſſor to *Hen.* 8. and as moſt juſt inheritour of the Crown of *England*) by the words of the great *Charter*, and by his Oath, is bound utterly to aboliſh all Lordly Primacy, as hitherto upheld and defended, partly by ignorance and partly by an unreaſonable and evill Cuſtome.

My Lord DIGBIE'S Speech in Parliament, 1640.

Maſter Speaker,

THis happie meeting, is to bemoane and redreſſe the unhappie State of this Common-wealth. Let me have I beſeech you your leave, to give you in a word, a ſhort view of our griefes, then ſee whence they flow. Our Lawes, our liberties, our lives, and which is the life of all, our Religion; all which have been by the endeavours of ſo many Ages ſecured, and made ſo much our owne, can ſcarce be called ours. Our Lawes, the only ſinews and ligeaments of our eſtates, which ſhould run in an even ſtreame, are now made to diſdaine their bancks, and to overflow and drown their fields, which they ſhould gently redreſſe our liberties, the very ſpirit and eſſence of our weale, which ſhould differ us from ſlaves, and ſpeake us Engliſh-men; are held away by them, that even whiles they take them from us, cannot but confeſſe they are our proper dues. Are not our lives in danger, when an enemy diſguiſed like a friend provoked, is as it were ſuffered (becauſe indirectly, and in vaine reſiſted) to come almoſt into our boſomes, to rifle ſome of their goods, others of their loyalty; which perhaps they could not, neither would have touched, might we with united force have reſiſted. And laſtly, which is the ſoule of all our grievances; our Religion,

which ſhould have beene our Cordiall in all our diſtempers; like a forced Virgin laments ever, that her pure innocencie is taken from her; and ſure all theſe effects muſt have their cauſes.

That we have juſt, and wiſe Lawes, we may thanke thoſe good Kings that made them; the ſettled expoſition of juſt circumſcribed Lawes, to binde and defend the Subject. That they are ſo well framed and uſefull, and to containe enough to make a good King and people, be perfect, be ſafe, and happie.

What do we owe to theſe grave Councellors, who ſate here before us, and that they out-live the malice of ſome unbounded ſpirits; we are beholding to them that Reprieved them from ruine, with their lives and fortunes; we call them ours, becauſe we are freely born to them, as to the Ayre we breath in; we claime them and ſhould poſſeſſe them under the Protection of our gracious King, who is their great Patron, and diſpoſes them not inconſiderately, but by the advice of thoſe learned expoſitors of the Lawes (the Judges) and thoſe whom he truſts to be his great and faithfull Councellors. If thoſe pervert the ground and meaning of the Law, and contract the power of it, or make it ſpeake lowder or ſofter, as they themſelves are tuned for it; the blame ſhould deſervedly fall on thoſe miſtruſted miniſters, who are the baſe betrayers of his Majeſties honor, and his Peoples right; to vindicate which neceſſitie, hath here aſſembled you.

Mr. *Speaker*, Is not this offence and malice, as great, who ſhould undermine my Tenour, and ſurruptiouſly deprive me of my evidence by which I held my Inheritance, as he who by violence ſhould wreſt it from me. The *Scots* we have heard branded as Traytors, becauſe they have contrary to the law of Nations, and their loyaltie, invaded our Kingdome in Arms; what other title have they merited, who have invaded our Lawes and liberties, the precious evidence by which we ſhould freely enjoy our

ſelvs,

ſelves, and our eſtates. The firſt, we may reſiſt and drive forth by united force, and it will be called pietie to the King and Countrie; if force be lay'd againſt the other, it will be ſtiled Rebellion.

What now remaines, but that we ſhould uſe the Law; which becauſe it hath beene inverted and turned againſt us, contrary to its owne naturall and plaine diſpoſition, ſhould now right us and it ſelfe againſt our Adverſaries. Surely the Law is not ſo weak and improvident, to take care for others, and never provide for its owne defence againſt thoſe (be they Peeres, or people) that have abuſed it. If we examine the Law well, it will tell us what hath beene the reward of ſuch ambitious men, as have Monopolized and abuſed the Kings Authoritie; what have beene the puniſhment of ſuch as have betrayed the well meaning Subject to the Kings diſpleaſure, and his Princes Councell to his enemies? what doe they deſerve, who have raiſed mountaines of Monopolies, heapes of impoſitions, oceans of grievances? what have been the puniſhment of ſuch as have belied Juſtice, and their conſcience, and have made truth and honeſty out of faſhion.

And laſtly, If no penaltie be found for theſe, ſure there is ſome for ſuch as have ſo diſguiſed Religion in fantaſticke dreſſes, that Heaven and earth cannot be but angrie to ſee it; and in their politique pride have beene ſo long moulding a new State, and a new old Church for their owne advantage, till they have by their too much order put all out of frame, and made us objects of pitie, and themſelves of hate. What if for theſe innovations, we innovate an exemplary puniſhment? Theſe are the ground-works of our miſeries; and ſurely, Mr. *Speaker*, there are too many of all theſe ſorts, which like envious clouds, hinders us from the gracious ſhine our Sun intends us; therefore for his greater luſtre, and our more aſſured comfort, let us endeavour to remove theſe inter-

posers, that he may more freely see into his peoples bosomes, and reade in their hearts firme characters of loyaltie and glad obedience, which the practices of these later times have endeavoured to obliterate, but in vaine.

I shall not dare to borrow one minute of you more; but I shall alreadie end, though I have just now begun. If we consider the just extent of our grievances, the deep search of which wound I leave to you better abilities; and I beseech you think not that I sigh out these complaints, undertaking to instruct the grave Councell of this great Assembly, my infant advice presumes not to reach so high: It is but to let you see how much the slightest parts of this abused Common-wealth, is not only made sensible of our wrongs, but what we feele is farre exceeded by the numberlesse number of our just feares, which should have before this time utterly distracted us, had not our great Phisition now at length applied his soveraigne remedie, to keep up our fainting hopes, by which we must either stand, or fall.

Master *Pyms* Speech in PARLIAMENT. 1640.

THe distempers of this Kingdome are well knowne, they need not repetition. For though we have good Lawes, yet they want their execution; or if they are executed, it is in a wrong sence. I shall endeavour to apply a remedie to the breaches that are made, and to that end, I shall discover first the qualitie of the disease.

First,

First, There is a deſigne to alter Law and Religion: the parties that effect this, are Papiſts, who are obliged by a maxime in their doctrine, that they are not onely bound to maintaine their Religion, but alſo to extirpate all others.

The ſecond is their Hierarchie which cannot amount to the height they ayme at, without a breach of our Law. To which their Religion neceſſarily ioynes, that if the one ſtands, the other muſt fall.

Thirdly, Agents and Penſioners to forraigne States, who ſee we cannot comply to them, if we maintaine our Religion eſtabliſhed, which is contrary to theirs, here they intend chiefly the Spaniſh white gold works which are of moſt effect.

Fourthly, Favorites, ſuch as for promotion prize not conſcience, and ſuch are our Judges ſpirituall, and temporall; ſuch are alſo ſome of our Councellors of State. All theſe, though ſevered, yet in their contrivements they ayme at one end, and to this they walke on four feet.

First, diſcountenancing of Preachers, and vertuous men, they perſecute under the law of purity.

Secondly, Countenancing of Preachers of contrary diſpoſitions.

Thirdly, The negotiating with the faction of *Rome* by Preaching, and to inſtructions to Preach of the abſolute Monarchie of Kings.

How follow ſeverall Heads.

First, The politicall interpretation of the Law to ſerve their turnes, and thus to impoſe taxes with a colour of Law; a Judge ſayd it when a *habeas corpus* was payd for.

Secondly, By keeping the King in continuall want, that he may ſeeke to their counſells for relieſe; to this purpoſe, to keepe the Parliaments in diſtaſte, that their counſells may be taken. The King by them is brought to

this, as a woman that used her selfe to poyson could not live with good meate. Search the Chronicles, and we see no King that ever used Parliaments, was brought to this want.

Thirdly, Arbitrary proceedings in Courts of Justice; we have all Law left to the conscience of a single man. All Courts are now Courts of conscience, without conscience.

Fourthly, Plotters to inforce a war between *Scotland*, and us; that when we had well wearied one another, we might be both brought to what scorn they pleased; The pertition wall is only unity.

Fiftly, The suddaine dissolving of Parliaments, and punishing of Parliament men, all to affright us from speaking what we thinke. One was committed for not delivering up the Petitions of the House; then a declaration which slandered our Proceedings, as full of lyes, as leaves, who would have the first ground to be our example. And Papists are under appearance to the King his best Subjects, for they contribute money to the War, which the Protestants will not do.

Sixthly, Another is Military, by getting places of importance into the Papists hands, as who are Commanders in the last Armie but they? none more strong in Armes, then they, to whom their Armour is delivered contrary to the Statute. Their endeavour is to bring in strangers to be Billited upon us; we have had no accompt of the Spanish Navie, and now our fear is from *Ireland*.

Lastly, The next is Papisticall that proceeds of Agents here in *London*, by whose desires many Monasteries and Nunneries here in *London* were erected.

Sir

Sir *Thomas Baringtons* Speech in Parliament, 1640.

My Lords,

WE have of late entred into conſideration of the Petition of Right, and the relation of it; and upon good reaſon, for it concernes our goods, liberties and lives. But there is a Right of higher nature, that preſerved for us farre greater things, eternall life, our ſoules, yea, our God himſelfe; a Religion derived to us from the King of Kings, conferred to us by the Kings of this Kingdome, enacted by Lawes in this place, treading downe to us in the bloud of the Martyrs, and witneſſed from Heaven by miracles, even miraculous deliverances. And this Right in the name of this Nation, I this day require, and claime, that there may be a deepe and ſerious conſideration of the relations of it.

I deſire firſt, that it may be conſidered what new paintings are layd on the old face of the Whore of *Babylon*, to make the more lovely, and to draw ſo many Suitors to her.

I deſire that it may be conſidered, how the Sea of *Rome* doth eate into our Religion, and fret into the banks and walls of it, the Lawes and Statutes of this Realme, eſpecially ſince theſe Lawes have beene made in a manner by themſelves, even by their owne Treaſons and bloudy

deſignes,

deſignes; and ſince that Poperie is a confuſed maſſe of errors, caſting downe Kings before Popes, the Precepts of God, before the tradition of men, living, and reaſonable men, before dead and ſenceleſſe ſtocks and ſtones.

I deſire that we conſider the encreaſe of Arminianiſme and errors, that makes the grace of God to lackie it after the will of man, that makes the Sheepe keepe the Shepheard, and make an immortall ſeed, of a mortall God.

Yea, I deſire that we looke into the very belly and bowells of this Trojan horſe, to ſee if there be not in it men readie to open the gates of Romiſh tyranny, and Spaniſh Monarchie, for an Arminian is the ſpaune of a Papiſt; and if their come the warmth of favour upon him, you ſhall have him turne into one of thoſe frogs that ariſe out of the bottomleſſe pit; and if you marke it well, you ſhall ſee an Arminian reach out his hand to a Papiſt, to a Jeſuite, a Jeſuite gives one hand to the *Pope*, another to the King of *Spaine*; and therein having kindled a fire in our neighbors Countrey, now they have brought ſome of it hither, to ſet on flame this kingdome alſo.

Let us further ſearch and conſider, whether theſe be not the men that breake in upon the goods and liberties of this Common-wealth, for by theſe meanes they may make way for the taking away of Religion. It was an old tricke of the Devills, when he meant to take away *Jobs* Religion, he began at his goods; *Lay thy hand on all he hath, and he will curſe even to thy face.* Rather they thinke hereby to ſet a diſtance betweene Prince and people, or to finde ſome other way of ſupply to avoyd or breake Parliaments, that ſo they may breake in upon our Religion, and bring in their errors: but let us doe as *Job* did, he held faſt his Religion, and his goods were reſtored with advantage; and if we hold faſt God, and our Religion, theſe things ſhall be unto us.

Let

Let us conſider the times paſt, how we flouriſhed in honor and abundance, when Religion flouriſhed amongſt us, but when Religion decayed, ſo the honour and ſtrength of our Nation decayed; when the ſoul of this Common-wealth is dead, the bodie cannot long over live it. If a man meete a Dogge alone, the Dog is feareſull, but though never ſo fierce by nature; if that Dog have his Maſter by him, he will ſet upon that man from whom he fled before. This ſhewes, the lower natures being back't with the higher, increaſe in courage and ſtrength; and certainly, man being back't with omnipotence, is a kinde of omnipotence. Wherefore let it now be the unanimous conſent and reſolution of us all, to make a vow and Covenant from henceforth, to hold faſt on God, and his Religion; and then may we from henceforth expect proſperitie in the Kingdome and Nation to this Covenant.

Let every one of us ſay, Amen.

The Accuſation and Impeachment of Sir *George Ratcliffe* by the Commons in this preſent Parliament Aſſembled, Charging him with High-Treaſon, and other miſdemeanours as enſue. 1640.

I *Mprimis*, That he had conſpired with the Earle of *Strafford* to bring into *Ireland* an Arbitrary Government, and to ſubvert the fundementall Lawes, and did joyn with the Earle to bring in an Armie from *Ireland*, to ſubdue the Subjects of *England*.

Secondly, That he hath joyned with the Earle to uſe Regall power, and to deprive the Subjects of their liberties, and properties.

Thirdly, That he hath joyned with the Earle to take thouſand pounds out of the Exchequer in *Ireland*, and bought Tobacco therewith, and converted the ſame profits to their own uſes.

Fourthly, That he had Trayterouſly confederated with the Earle to countenance Papiſts, and build Monaſteries, to alienate the affections of the *Iriſh* Subjects from the ſubjection of *England*.

Fiftly, That he had Traiterouſly confederated with the Earle, to draw the Subjects of *Scotland* from the King.

Sixthly, That to preſerve himſelfe and the ſayd Earle, he had laboured to ſubvert the liberties and priviledges of Parliament in *Ireland*,

The

The Charge of the Scottiſh Commiſsioners againſt the Prelate of CANTERBVRY.

NOvations in Religion, which are univerſally acknowledged to be the maine cauſe of commotions in Kingdomes and States, and are knowne to be the true cauſe of our preſent troubles, were many and great, beſide the book of Ordination, and Homilies. 1. Some particular alterations in matters of Religion, preſſed upon us without order, and againſt Law, contrary to the forme eſtabliſhed in our Kirk. 2. A new booke of Canons and Conſtitutions Eccleſiaſticall. 3. A Liturgy, or booke of Common-prayer, which did alſo carry with them many dangerous errors in matters of Doctrine. Of all which we challenge the Prelate of *Canterburie*, as the prime cauſe on earth.

And firſt, that this Prelate was the Author and urger of ſome particular changes, which made great diſturbance amongſt us, we make manifeſt. 1. By fourteen letters ſubſcribed, *W. Cant.* in the ſpace of two yeares, to one of our pretended Biſhops, *Banuatine*, wherein he often enjoyneth him, and other pretended Biſhops, to appeare in the Chappell in their whites, contrary to the cuſtome of our Kirk, and to his promiſe made to the pretended Biſhop of *Edinburgh*, at the Coronation, that none of them after that time, ſhould be preſſed to weare

theſe garments, thereby moving him againſt his will to put them on for that time; wherein he directeth him to give order for ſaying the Engliſh Service in the Chappell twice a day, for his neglect ſhewing him, that he was diſappointed of the Biſhopricke of *Edinburgh*, promiſing him uppon the greater care of theſe Novations, advancement to a better Biſhoprick, taxing him for his boldneſſe in Preaching the ſound Doctrine of the reformed Kirks, againſt Maſter *Mitchell*, who had taught the errors of *Arminius* in the point of the extent of the merit of Chriſt, bidding him ſend up a liſt of the names of Councellours and Senators of the Colledge of Juſtice, who did not communicate in the Chappell, in a forme which was not received in our Kirk, commending him when he found him obſequious to theſe his commands; telling him that he had moved the King the ſecond time for the puniſhment of ſuch as had not received in the Chappell: and wherein he upbraided him bitterly, that in his firſt Synod at *Aberdein*, he had only diſputed againſt our cuſtome of *Scotland*, of faſting ſometimes on the Lords day, and preſumptuouſly cenſuring our Kirk, that in this we were oppoſite to Chriſtianity it ſelfe, and that amongſt us there were no Canons at all: More of this ſtuffe may be ſeen in the letters themſelves.

Secondly, by two papers of memoirs and inſtructions from the pretended Biſhop of Saint *Androis*, to the pretended Biſhop of *Roſſe*, comming to this Prelate for ordering the affairs of the Kirk, and Kingdome of *Scotland*; as not only to obtain warrants, to order the Exchequer, the Privy Counſell, the great Commiſſion of Surrenders, the matter of *Balmerino's* proceſſe, as might pleaſe our Prelates; but warrants alſo for ſitting of the High-Commiſſion Court once a weeke in *Edinburgh*, and to gaine from the Noblemen, for the benefit of Prelates, and their adherents, the Abbacies of *Kelſo*, *Arbroith*, St. *Androis*, and *Lindors*, and in the ſmalleſt matters to receive

his

his commands, as for taking downe Galleries and ſtone-walls in the Kirk of *Edinburgh*, and St. *Androis*, for no other end but to make way for Altars, and adoration towards the Eaſt; which beſide other evills, made no ſmall noiſe and diſturbance amongſt the people, deprived hereby of their ordinary accommodation for publique worſhippe.

The ſecond Novation which troubled our peace, was a booke of Canons, and Conſtitutions Eccleſiaſticall, obtruded upon our Kirk, found by our generall Aſſembly, to be deviſed for eſtabliſhing a tyrannicall power in the perſons of our Prelates, over the worſhip of God, over the conſciences, liberties, and goods of the people; and for aboliſhing the whole Diſcipline and government of our Kirk, by generall and provinciall Aſſemblies, Presbyteries, and Kirk-Seſſions which was ſetled by Law, and in continuall practiſe ſince the time of Reformation; that *Canterbury* was Maſter of this work is manifeſt.

By a booke of Canons ſent to him, written upon the one ſide onely, with the other ſide blanke, for corrections, additions, and putting all in better order at his pleaſure; which accordingly was done, as may appeare by interlinings, marginalls, and filling up of the blanke page, with directions ſent to the Prelates; and that it was done by no other then *Canterbury*, is evident by his Magiſteriall way of preſcribing, and by a new copie of theſe Canons, all written with St. *Androis* owne hand, preciſely to a letter, according to the former caſtigations ſent back for procuring the Kings warrant unto it, which accordingly was obtained; but with an addition of ſome other Canons, and a paper of ſome other corrections. According to which, the book of Canons thus compoſed, was publiſhed in Print, the inſpection of the books, inſtructions, and his letters of joy for the ſucceſſe of the worke, and of others letters of the Prelate of *London*, and the Lord *Sterling*, to the ſame purpoſe; all which

we are readie to exhibite, will put the matter out of all debate.

Besides this generall, there be some things more speciall worthy to be adverted unto, for discovering his spirit. 1. The fourth Canon of Cap. 8. for asmuch as no reformation in Doctrine or Discipline can be made perfect at once in any Church; therefore it shall, and may be lawfull for the Church of *Scotland* at any time to make remonstrance to his M. or his successors, &c. Because this Canon holdeth the doore open to more innovations: He writeth to the Prelate of *Rosse* his privie agent in all this worke of his great gladnesse, that this Canon did *stand behinde the curtaine*, and his great desire that this Canon *may be printed fully, as one that was to be most usefull.* Secondly, the title prefixed to these Canons by our Prelates. Canons agreed upon to *be proponed to the severall Synods of the Kirk of Scotland*; is thus changed by *Canterbury*; Canons and constitutions *Ecclesiasticall, &c.* Ordained to be observed *by the Clergy.* He will not have Canons to come from the authority of Synods, but from the power of Prelates, or from the Kings Prerogative. Thirdly, the formidable Canon, *Cap.* 1. 3. threatning no lesse then excommunication against all such persons whosoever shall open their mouthes against any of these bookes, proceeded not from our Prelates, nor is to be found in the copie sent from them, but is a thunder-bolt forged in *Canterburies* owne fire. 4. Our Prelates in divers places witnesse their dislike of Papists. A Minister shall be deposed if he be found negligent to convert Papists. *Cap.* 18. 15. The adoration of the bread is a superstition to be condemned. *Cap.* 6. 6. They call the absolute necessitie of Baptisme, an error of Popery. *Cap.* 6. 2. But in *Canterburies* Edition, the name of Papists and Poperie is not so much as mentioned. 5. Our Prelates have not the boldnesse to trouble us in their Canons, with Altars, Fonts, Chancells, reading of a long Liturgie before Sermon,

Sermon, &c. But *Canterburie* is punctuall, and peremptory in all these. Although the words of the tenth Canon *cap.*3 be faire, yet the wicked intentions of *Canterburie*, and *Rosse*, may be seen in the point of justification of a sinner before God, by comparing the Canon as it came from our Prelates, and as it was returned from *Canterbury*, and printed, our Prelates say thus: *It is manifest that the superstition of former Ages, hath turned into a great prophanesse, and that people are growne cold for the most part in doing any good, thinking there is no place to good works, because they are excluded from justification. Therefore shall all Ministers, as their Text giveth occasion, urge the necessitie of good works, as they would be saved, and remember that they are* via regni, *the way to the Kingdome of Heaven, though not* causa regnandi, *howbeit they be not the cause of salvation.* Here Rosse giveth his judgement, *That he would have this Canon, simply commanding good workes to be preached, and no mention made what place they have, or have not in justification.* Upon this motion, so agreeable to *Canterburies* minde, the Canon is set downe as it standeth without the distinction of *vis regni*, or *causa regnandi*, or any word sounding that way, urging onely the necessitie of good works.7. By comparing Can.9. *cap.*18. as it was sent in writing from our Prelates, and as it is printed at *Canterburies* command, may be also manifest, that he went about to establish auricular confession, and Popish absolution. 8 Our Prelates were not acquainted with Canons, for afflicting of arbitrary penalties: But in *Canterburies* booke, whereſoever there is no penalty expressely set downe, it is provided that it shall be arbitrarie, as the Ordinary shall thinke fitteſt. By these and many other the like, it is apparant, what tyrannicall power he went about to establish in the hands of our Prelates, over the worship, and the souls and goods of men, overturning from the foundation, the whole order of our Kirk, what seeds of Popery he did sow in our Kirk,

and

and how large an entry he did make for the groſſeſt Novations afterward, which hath been a main cauſe of all their combuſtion.

The third and great Novation was the booke of Common Prayer, adminiſtration of the Sacraments, and other parts of divine Service, brought in without warrant from our Kirk to be univerſally received, as the only form of divine Service, under all higheſt paines both civill and Eccleſiaſticall, which is found by our Nationall Aſſembly; beſides the Popiſh frame and formes in divine worſhip, to containe many Popiſh errors, and ceremonies, and the ſeeds of manifold and groſſe ſuperſtitions and idolatries, and to be repugnant to the Doctrine, Diſcipline, and order of our Reformation, to the confeſſion of faith, conſtitutions of generall Aſſemblies, and Acts of Parliament, eſtabliſhing the true Religion: that this alſo was *Canterburies* worke, we make manifeſt.

By the memoirs, and inſtructions ſent unto him from our Prelates, wherein they gave a ſpeciall account of the diligence they had uſed, to do all which herein they were enjoyned, by the approbation of the Service booke ſent to them; and of all the marginall corrections, wherein it varieth from the Engliſh book, ſhewing their deſire to have ſome few things changed in it, which notwithſtanding was not granted: This we finde written by Saint *Androis* own hand, and ſubſcribed by him, and nine other of our Prelates.

By *Canterburies* owne letters, witneſſes of his joy, when the booke was readie for the Preſſe, of his prayers that God would ſpeed the worke, of the hope to ſee that Service ſet up in *Scotland*, of his diligence to ſend for the Printer, and directing him to prepare a black letter, and to ſend it to his ſervants at *Edinburgh*, for printing this booke. Of his approbation of his proofes ſent from the Preſſe. Of his feare of delay, in bringing the worke ſpeedily to an end, for the great good, (not of that Church,

Church, but) of the Church. Of his encouraging *Rosse*, who was entrusted with the Presse, to go on in this peece of service without feare of enemies. All which may be seen in the Autographs, and by letters sent from the Prelate of *London* to *Rosse*, wherein as he rejoyceth at the sight of the *Scottish* Canons; which although they should make some noise at the beginning, yet they would be more for the good of the Kirk, than the Canons of *Edinburgh*, for the good of the Kingdom. So concerning the Leiturgy he sheweth, that *Rosse* had sent to him, to have an explanation from *Canterbury* of some passage of the Service booke, and that the Presse behoved to stand, till the explanation come to *Edinburgh*, which therefore he had in haste obtained from his Grace, and sent the dispatch away by *Canterburies* own conveyance.

But the booke it selfe as it standeth interlined, margined, and patcht up, is much more than all that is expressed in his letter, and the changes and supplements themselves taken from the Masse-booke, and other Romish Ritualls, by which he maketh it to vary from the Booke of *England*, are more pregnant testimonies of his popish spirit, and wicked intentions which he would have put in execution upon us, then can be denied. The large declaration professeth, that all the variation of our booke, from the booke of *England*, that ever the King understood, was in such things as the *Scottish* humour would better comply with, than with that which stood in the *English* Service. These popish innovations therefore have been surreptitiously inserted by him, without the Kings knowledge, and against his purpose. Our *Scottish* Prelates do petition that something may be abated of the *English* ceremonies, as the Crosse in Baptisme, the Ring in Marriage, and some other things. But *Canterbury* will not only have these kept, but a great many more, and worse superadded, which was nothing else, but the adding of fewell to the fire. To expresse and discover all,

would require a whole booke, we ſhall only touch ſome few in the matter of the Communion.

This book inverteth the ordor of the Communion in the book of *England*, as may be ſeen by the numbers, ſetting down the orders of this new Communion, 1.5.2. 6.7.3.4 8.9.10.15. Of the divers ſecret reaſons of this change, we mention one only; in joyning the ſpirituall praiſe and thankſgiving, which is in the book of *England*, pertinently after the Communion, with the prayer of Conſecration before the Communion, and that under the name of memorable or oblation, for no other end, but that the memorjall and ſacrifice of praiſe, mentioned in it, may be underſtood according to the popiſh meaning. *Bellar. de Miſſa, lib. 2. cap. 21.* Not of the ſpirituall ſacrifice, but of the oblation of the body of the Lord.

It ſeemeth to be no great matter, that without warrant of the book of *England*, the Presbter going from the North end of the Tabls, ſhall ſtand during the time of Conſecration, at ſuch a part of the Table, where he may with the more eaſe and decencie uſe both hands; yet being tryed, it importeth much, as that he muſt ſtand with his hinder parts to the people, repreſenting (ſayth *Durand*) that which the Lord ſayd of *Moſes*, *Thou ſhalt ſee my hinder parts*. He muſt have the uſe of both his hands, not for any thing he hath to do about the bread and wine, for that may be done at the North end of the Table, and be better ſeen of the people; but (as we are taught by the Rationaliſts) that he may be ſtretching forth his arms, to repreſent the extenſion of Chriſt on the Croſſe, and that he may the more conveniently lift up the bread and wine above his head to be ſeen and adored of the people, who in the Rubrick of the generall Confeſſion, a little before, are directed to kneel humbly on their knees, that the Prieſts elevation ſo magnified in the Maſſe, and the peoples adoration may go together; That in this poſture, ſpeaking with a low voyce, and

muttering

muttering (for ſometimes he is commanded to ſpeak with a lowd voyce, and diſtinctly) he be not heard by the people; which is no leſſe a mocking of God, and his people, then if the words were ſpoken in an unknown language. As there is no word of all this in the Engliſh Service, ſo doth the booke in King *Ed.* time, give to every Presbyter his liberty of geſture, which yet gave ſuch offence to *Bucer*, (the cenſurer of the book: and even in *Caſſanders* own judgement, a man of great moderation in matters of this kinde) that he calleth them, *Nunquam ſatis execrandos Miſſæ geſtus*, and would have them to be abhorred, becauſe they confirm to the ſimple and ſuperſtitious *ter impiam & exitialem Miſſæ fiduciam.*

The corporall preſence of Chriſts body in the Sacrament, is alſo to be found here: for the words of the Maſſ-book ſerving to this purpoſe, which are ſharply cenſured by *Bucer* in King *Ed.* Leiturgy, and are not to be found in the book of *England*, are taken in here. Almighty God is incalled, that of his Almighty goodneſſe he may vouchſafe ſo to bleſſe and ſanctifie with his Word and Spirit, theſe gifts of bread and wine, that they may be unto us the body and bloud of Chriſt.

The change here is made the worke of Gods omnipotencie: the words of the Maſſe, *ut fiant nobis*, are tranſlated in King *Edwards* booke, *That they may be unto us*, which are againe turned into Latine by *Aleſius*, *ut fiant nobis.* On the other part, the expreſſions of the booke of *England* at the delivery of the Elements of *feeding on Chriſt by faith*, and of *eating and drinking in remembrance that Chriſt dyed for thee*, are utterly deleated. Many evidences there be in this part of the Communion, of the bodily preſence of Chriſt, very agreeable to the doctrines taught by his Secretaries, which this paper cannot containe. They teach us that Chriſt is received in the Sacrament, *Corporaliter*, both *objective* and *ſubjective. Corpus Chriſti eſt objectum quod recipitur, & corpus noſtrum ſubjectum quo recipitur.*

The booke of *England* aboliſheth all that may import the oblation of any unbloudy ſacrifice; but here we have beſides the Preparatorie oblation of the Elements, which is neither to be found in the booke of *England* now, nor in King *Edwards* booke of old, the oblation of the body and bloud of Chriſt, which *Bellarmine* calleth, *Sacrificium Laudis, quia Deus per illud magnopere laudatur.* This alſo agreeth well with their late Doctrine. We are ready when it ſhall be judged convenient, and we ſhall be deſired, to diſcover much more matters of this kinde, as grounds layd for *miſſa ſicca*, or the halfe maſſe, the private maſſe without the people, of communicating in one kinde. O the conſumption by the Prieſt, and conſummation of the Sacrifice, of receiving the Sacrament in the mouth, and not in the hand, &c.

Our Supplications were many againſt theſe bookes, but *Canterbury* procured them to be anſwered with terrible Proclamations. We were conſtrained to uſe the remedie of Proteſtation; but for our proteſtations, and other lawfull meanes which we uſed for our deliverance, *Canterbury* procured us to be declared Rebels and Traytors in all the Pariſh Kirks of *England*, when we were ſeeking to preſerve our Religion in peace, againſt theſe devices and Novations, *Canterbury* kindled warre againſt us. In all theſe it is knowne that he was, though not the ſole, yet the principall Agent and Adviſer.

When by the pacification at *Barwick*, both Kingdoms looked for peace and quietneſſe, he ſpared not openly in the hearing of many, often before the King, and privately at the Councell-Table, and the privy Jointo ſpeake of us as Rebels and Traytors, and to ſpeak againſt the pacification as diſhonorable, and meet to be broken. Neither did his malignancie and bitterneſſe ever ſuffer him to reſt till a new warre was entred upon, and all things prepared for our deſtruction.

By him was it that our Covenant approven by Nationall

nall Assemblies, subscribed by his M. Commissioner, and by the Lords of his M. Counsell, and by them commanded to be subscribed by all the Subjects of the Kingdome, as a testimony of our duty to God, and the King, by him was still called ungodly, damnable, Treasonable; by him were oathes invented, and presst upon divers of our poore Country-men, upon the pain of imprisonment, and many miseries, which were unwarrantable by Law, and contrary their Nationall oath.

When our Commissioners did appeare to render the reasons of our demands he spared not in the presence of the King and Committee, to raile against our Nationall Assembly as not daring to appeare before the World, and Kirks abroad, where himselfe and his actions were able to endure tryall, and against our just and necessary defence, as the most malicious and Treasonable contempt of Monarchiall Government that any bygone Age hath heard of: His hand also was at the Warrant for the restraint and imprisonment of our Commissioners, sent from the Parliament, warranted by the King, and seeking the peace of the Kingdomes.

When we had by our Declarations, Remonstrances, and Representations manifested the truth of our intentions, and lawfulnesse of our actions, to all the good Subjects of the Kingdome of *England*, when the late Parliament could not be moved to assist, or enter in warre against us, maintaining our Religion, and liberties; *Canterbury* did not onely advise the breaking up of that high and honorable Court, to the great griefe and hazzard of the Kingdome; but (which is without example) did sit still in the Convocation, and make Canons and Constitutions against us, and our just and necessary defence, ordaining under all highest pains, that hereafter the Clergie shall preach foure times in the yeare such doctrine as is contrary not only to our proceedings, but to the doctrine and proceedings of other reform'd Kirks, to the

judgement of all ſound Divines, and politiques, and tending to the utter ſlavery and ruining of all Eſtates and Kingdomes, and to the diſhonor of Kings and Monarchs. And as if this had not been ſufficient, he procured ſix Subſidies to be lifted of the Clergie, under pain of deprivation to all that ſhould refuſe. And which is yet worſe, and above which malice it ſelf cannot aſcend, by his means a prayer is framed, printed, and ſent through all the Paroches of *England*, to be ſayd in all Churches in time of Divine Service, next after the prayer for the Queene and Royall Progeny, againſt our Nation by name of Traytorous Subjects, having caſt of all obedience to our annointed Soveraign, and comming in a rebellious manner to invade *England*, that ſhame may cover our faces, as Enemies to God, and the King.

Whoſoever ſhall impartially examine what hath proceeded from himſelfe, in theſe two books of Canons and Common-prayer, what Doctrine hath been publiſhed and printed theſe years by-paſt in *England*, by his Diſciples and Emiſſaries, what groſſe Poperie in the moſt materiall points we have found, and are readie to ſhew in the poſthume writings, of the Prelate of *Edinburgh*, and *Dumblane*, his own Creatures, his neareſt familiars, and moſt willing inſtruments to advance his counſells, and projects, ſall perceive that his intentions were deep and large againſt all the reformed Kirks, and reformation of Religion, which in his Majeſties Dominions wes panting, and by this time had rendred up the ghoſt, if God had not in a wonderfull way of mercy prevented us: and that if the Pope himſelfe had been in his place, he could not have been more popiſh, nor could he more zealouſly hvae negotiated for *Rome*, againſt the reformed Kirks, to reduce them to the Hereſies in Doctrine, the Superſtitions and Idolatry in worſhip, and the Tyranny in Government which are in that Sea, and for which the reformed Kirks did ſeperate from it, and come forth of *Babel*. From him

him certainly hath iſſued all this deluge, which almoſt hath overturned all. We are therefore confident that your Lordſhips will by your meanes deale affectually with the Parliament, that this great firebrand be preſently removed from his Majeſties preſence, and that he may be put to triall, and put to his deſerved cenſure according to the Lawes of the Kingdome, which ſall be ſervice to God, honor to the King and Parliament; terror to the wicked, and comfort to all good men, and to us in ſpeciall; who by his means principally have been put to ſo many and grievous afflictions, wherein we had periſhed, if God had not been with us.

We do indeed confeſſe that the Prelates of *England* have been of very different humors, ſome of them of a more hot, and others of them, men of a more moderate temper, ſome of them more, and ſome of them leſſe inclinable to Poperie, yet what knowne truth, and conſtant experience hath made undeniable, we muſt at this opportunitie profeſſe, that from the firſt time of Reformation of the Kirk of *Scotland*, not only after the comming of King *James* of happy memory into *England*, but before the Prelates of *England*, have been by all means unceſſantly working the overthrow of our Diſcipline and Government. And it hath come to paſſe of late, that the Prelates of *England* having prevailed, and brought us to ſubjection in the point of government, and finding their long waited for opportunity, and a rare congruity of many ſpirits and powers, ready to cooperate for their ends, have made a ſtrong aſſault upon all the externall worſhip, and Doctrine of our Kirk. By which their doing, they did not ayme to make us conforme to *England*, but to make *Scotland* firſt (whoſe weakneſſe in reſiſting they had before experienced, in the Novations of government, and of ſome points of worſhip) and thereafter *England* conforme to *Rome*, even in theſe matters, wherein *England* had ſeperated from *Rome*, ever ſince the time of Reformation.

formation. An evill therefore which hath issued, not so much from the personall disposition of the Prelates themselves, as from the innate qualitie and nature of their office and Prelaticall Hierarchy, which did bring forth the Pope in ancient times, and never ceaseth till it bringeth forth popish Doctrine and worshippe; where it is once rooted, and the principles thereof fomented and constantly followed. And from that antipathy and inconsistency of the two formes of Ecclesiasticall Governmene, which they conceived, and not without cause, that one Island united also under one head and Monarch, wes not able to beare; the one being the same in all the parts and powers, which it wes in the time of Popery, and now is in the *Roman* Church. The other being the forme of Government, received, maintained, and practised by all the Reformed Kirks, whe ein by their own testimonies and and confessions, the Kirk of *Scotland* had amongst them no small eminencie. This also we represent to your Lordships most serious consideration, that not only the firebrands may be removed, but that the fire may be provided against, that there be no more combustion after this,

The

THE CHARGE OF THE *SCOTTISH* Commissioners against the Livetenant of *Ireland*.

IN our Declarations we have joyned with *Canterbury* the Lord Lievetenant of *Ireland*, whose malice hath set all his wits and power on work, to devise and do mischiefe against our Kirk and Countrey.

No other cause of his malice can we conceive, but first his pride and supercilious disdain of the Kirk of *Scotland*, which in his opinion declared by his speeches hath not in it almost any thing of a Kirk, although the Reformed Kirks, and many worthy Divines of *England* have given ample testimony to the Reformation of the Kirk of *Scotland*.

Secondly, our open opposition against the dangerous *innovation of Religion intended, and very far promoved in all his Majesties dominions*; of which he hath shewed himselfe in his own way no lesse zealous then *Canterbury* himselfe, as may appeare by his advancing of his Chaplain, *D. Bramble*, not only to the Bishoprick of *Derry*, but also to be *Vicar-generall of Ireland*, *a man prompted*

for exalting of Canterburian Popery, and Arminianisme, that thus himself might have the power of both swords, against all that should maintain the Reformation, by his his bringing of *D. Chappel*, a man of the same spirit, to *Universitie of* Dublin, *for poysoning the fountains, and corrupting the Seminaries of the Kirk.*

And thirdly, when the Primate of *Ireland* did presse a new ratification of the Articles of that Kirk, in Parliament for barring such Novations in Religion, he boldly menaced him with the burning by the hand of the Hang-man, of that Confession, although confirmed in former Parliaments.

When he found that the Reformation begun in *Scotland* did stand in his way, he left no means unassaied to rub disgrace upon us, and our cause. The peeces printed at *Dublin*, *Examen conjurationis Scoticanæ*, The ungirding of the Scottish Armour: the pamphlet bearing the counterfeit name of *Lisimachus Nicanor*; all three so full of calumnies, slanders, and scurrilities against our Countrey, and Reformation, that the Jesuites in their greatest spite, could not have sayd more, yet not only the Authors were countenanced and rewarded by him, but the books must bear his name, as the great Patron both of the work and workman.

When the Nationall Oath and Covenant warranted by our generall Assemblies, was approved by Parliament in the Articles subscribed in the Kings name, by his Maiesties high Commissioner, and by the Lords of privie Counsell, and Commanded to be sworn by his Majesties Subiects of all ranks; and particular and plenary information was given unto the Lieutenant, by men of such quality as he ought to have believed, of the loyalty of our hearts to the King, of the lawfulnesse of our proceedings, and innocency of our Covenant, and whole course, that he could have no excuse: yet his desperate malice made him to bend his craft and

cruelty,

cruelty, his fraud and forces againſt us. For firſt, he did craftily call up to *Dublin* ſome of our Country-men both of the Nobility and Gentry, living in *Ireland*, ſhewing them, that the King would conceive and account them as Conſpirers with the *Scots*, in their rebellious courſes, except ſome remedie were provided; and for remedy, ſuggeſting his own wicked invention, to preſent unto him and his own wicked Councell, a petition, which he cauſed to be framed by the Biſhop of *Raphoe*, and was ſeen and corrected by himſelfe, wherin they petitioned to have an oath given them, containing a formall renunciation of the *Scottiſh* Covenant, and a deep aſſurance never ſo much as to proteſt againſt any of his Majeſties commandements whatſoever.

No ſooner was this Oath thus craftily contriv'd, but in all haſte it is ſent to ſuch places of the Kingdome where our Countrey-men had reſidence; and men, women, and all other perſons above the years of ſixteen, conſtrained either preſently to take the Oath, and therby renounce their Nationall Covenant as ſeditious and trayterous, or with violence and cruelty to be haled to the Jayle, fined above the valew of their eſtates, and to be kept cloſe priſoners, and ſo farre as we know, ſome are yet kept in priſon, both men and women of good quality, for not renouncing that Oath which they had taken forty years ſince, in obedience to the King who then lived. A cruelty enſued, which may paralell the perſecutions of the moſt unchriſtian times: for weake women dragged to the Bench to take the Oath, dyed in the place, both mother and Child; hundreds driven to hide themſelves, till in the darkneſſe of the night they might eſcape by Sea into *Scotland*, whither thouſands of them did flye, being forced to leave Corn, Cattell, Houſes, and all they poſſeſſed, to be prey to their perſecuting enemies, the Lievetenants Officers. And ſome indited and declared guilty of high-treaſon, for no

other guiltineſſe but for ſubſcribing our National oath, which was not only impiety and injuſtice in it ſelf, and an utter undoing of his Majeſties Subiects, but was a weakning of the *Scots* Plantation, to the prejudice of that Kingdome, and his Majeſties ſervice, and was a high ſcandall againſt the Kings honour, and intolerable abuſe to his Majeſties truſt and authority: this Majeſties Commiſſion, which was procured by the Lievetenant, bearing no other penalty then a certification of noting the names of the refuſers of the oath.

But by this his reſtleſſe rage and inſatiable cruelty, againſt our Religion and Countrey, cannot be kept within the bounds of *Ireland*.

By this means a Parliament is called, And although by the ſix ſubſidies granted in Parliament not long before, and by the baſe meanes which himſelf and his Officers did uſe, as is contained in a late Remonſtrance, that Land was extreamly impoveriſhed, yet by his ſpeeches full of oathes and aſſeverations, *That we were Trayters and Rebels, caſting off all Monarchicall Government, &c.* he extorted from them foure new Subſidies, and *indicta cauſa* before we were heard, procured that a Warre was undertaken, and forces ſhould be levied againſt us, as a rebellious Nation, which was alſo intended to be an example and preſident to the Parliament of *England* for granting ſubſidies, and ſending a joynt Armie for our utter ruine.

According to his appointment in Parliament, the Armie was gathered, and brought down to the Coaſt, threatning a daily invaſion of our Countrey, intending to make us a conquered Province, and to deſtroy our Religion, liberties, and Lawes, and thereby laying upon us a neceſſity of vaſt charges, to keep forces on foot on the Weſt coaſt to wait upon his comming.

And as the War was denounced, and forces leavied before we were heard. So before the denouncing of the

War,

War, our Ships, and goods on the *Irish* Coast were taken, and the owners cast in prison, and some of them in Irons. Frigats were sent forth to scour our Coasts, which did take some, and burn others of our Barques.

Having thus incited the Kingdome of *Ireland*, and put his forces in order there against us, with all haste he commeth to *England*.

In his parting, at the giving up of the Sword, he openly avowed our utter ruine and desolation, in these or the like words, *If I returne to that honourable Sword, I shall leave of the Scots neither root nor branch.*

How soon he commeth to Court, as before he had done very evill offices against our Commissioners, cleering our proceedings before the poynt: So now he useth all means to stir up the King and Parliament against us, and to move them to a present war, according to the precedent, and example of his own making in the Parliament of *Ireland*. And finding that his hopes failed him, and his designes succeeded not that way, in his nimblenesse he taketh another course, that the Parliament of *England* may be broken up, and despising their wisedome and authority, not onely with great gladnesse accepteth, but useth all means that the conduct of the Army in the expedition against *Scotland*, may be put upon him; which accordingly he obtaineth as generall Captain, with power to invade, kill, slay, and save at his discretion, and to make any one, or moe Deputies in his stead, to do, and execute all the power and authorities committed to him.

According to the largeneſſe of his Commission, and Letters Patents of his devising, so were his deportments afterwards; for when the *Scots*, according to their declarations sent before them, were comming in a peaceable way, far from any intention to invade any of his Majesties Subiects, and still to supplicate his Majesty for a setled peace, he gave order to his Officers to fight

with them on the way, that the two Nations once entred in bloud, whatsoever should be the successe, he might escape triall and censure, and his bloudy designs might be put in execution against his Maiesties Subiects of both Kingdomes.

When the Kings Maiesty was again enclined to hearken to our petitions, and to compose our differences in a peaceable way, and the Peers of *England* conveened at *Yorke*, had, as before, in their great wisedome and faithfulnesse given unto his Maiesties Counsels of peace, yet this firebrand still smoaketh; and in that honorable Assembly, taketh upon him to breath out threatnings against us as Traytors, and enemies to Monarchiall government; that we be sent home again in our bloud, and he will whip us out of *England*.

And as these were his speeches in the time of the Treaty appointed by his Maiesty at *Rippon*, that if it had been possible, it might have been broken up. So when a Cessation of Arms was happily agreed upon there, yet he ceaseth not, but still his practises were for war; His under officers can tell who it was that gave them Commission to draw near in Arms beyond the *Teese*, in the time of the Treaty at *Rippon*.

The Governour of *Barwicke*, and *Carlile* can shew, from whom they had their warrants for their Acts of hostility after the cessation was concluded. It may be tryed how it cometh to passe, that the *Ports* of *Ireland* are yet closed, our Country-men for the oath still kept in prison, traffique interrupted, and no other face of affairs, then if no cessation had been agreed upon.

We therefore desire that your Lordships will represent to the Parliament, that this great incendiary upon these and the like offences, not against particular persons, but against Kingdomes, and Nations, may be put to a tryall, and from their knowne and renowned justice, may have his deserved punishment.

16. *December*, 1640. The

THE SCOTTISH Commiſsioners Demand concerning the Sixt ARTICLE.

CONcerning our Sixt demand, although it hath often come to paſſe that theſe two have been joyned by the bonds of Religion, and nature have ſuffered themſelves to be divided about the things of this World; and although our Adverſaries, who no leſſe labour the diviſion of the two Kingdomes then we do all ſeek peace, and follow after it, as our Common happineſſe, do preſume that this will be the partition wall to divide us, and to make us loſe all our labours taken about the former demand, wherein by the help of God, by his Maieſties Princely goodneſſe and Iuſtice, and your Lordſhips noble and equall dealing, we have ſo fully accorded, and to keep us from providing for a firm and well grounded Peace, by the wiſedome and juſtice of the Parliament of *England*, which is our greateſt deſire expreſſed in our laſt Demand. We are ſtill confident, that as we ſhall concerning this Article repreſent nothing but what is true, juſt, and honerable to both Kingdomes; So will your Lordſhips hearken to us, and will not ſuffer your ſelves, by any ſlanders or ſuggeſtions to be drawn out of that ſtraight and ſafe way wherein ye have walked ſince the begi-

ning. It

It is now, we suppose, known to all *England*, especially to both the honorable Houses of Parliament, and by the occasion of this Treaty, more particularly to your Lordships, That our distresses in our Religion and Liberties, were of late more pressing than we were able to bear, That our Complaints and Supplications for redresse, were answered at last with the terrors of an Army; That after a pacification greater preparations were made for war, whereby many Acts of Hostility were done against us, both by Sea and Land; The Kingdome wanted administration of Justice, and we constrained to take Arms for our defence; That we were brought to this extreme and intolerable necessity, either to maintain divers Armies upon our Borders against Invasion from *England* or *Ireland*, still to be deprived of the benefit of all the Courts of Justice, and not onely to maintain so many thousands as were spoyled of their ships and goods, but to want all Commerce by Sea, to the undoing of Merchants, of Saylors, and many other who lived by Fishing, and whose Callings are upholden from hand to mouth by Sea trade: Any one of which evils is able in a short time to bring the most potent Kingdome to Confusion, Ruine, and Desolation, how much more all the three at one time combined to bring the Kingdome of *Scotland* to be no more a Kingdome: Yet all these behoved We either to endure and under no other hope, than of the perfect slavery of our selves, and our posterity, in our souls, Lives, and means; Or to resolve to come into *England*, not to make any Invasion, or with any purpose to fight, except we were forced, God is our Judge, our actions are our witnesses, and *England* doth now acknowledge the truth, against all suspicions to the contrary, and against the impudent lies of our enemies, but for our relief, defence, and preservation which we could finde by no other means, when we had essayed all means, and had

at large expreſſed our pungent, and preſſing neceſſities, to the Kingdome and Parliament of *England*. Since therefore the war on our part (which is no other but our coming into *England* with a Guard) is defenſive, and all men do acknowledge, that in common equity, the defendant ſhould not be ſuffered to periſh in his juſt and neceſſary defence, but that the perſuer, whether by way of Legall proceſſe in the time of Peace, or by way of violence and unjuſt invaſion in the time of war, ought to bear the charges of the defendant. We truſt that your Lordſhips will think that it is not againſt reaſon for us to demand ſome reparation of this kinde, and that the Parliament of *England*, by whoſe wiſedome and juſtice we have expected the redreſſe of our wrongs, will take ſuch courſe, as both may in reaſon give us ſatisfaction, and may in the notable demonſtration of their Juſtice, ſerve moſt for their own honour.

Our earneſtneſſe in following this our Demand, doth not ſo far wrong our fight, and make us ſo undiſcerning, as not to make a difference between the Kingdome and Parliament of *England*, which did neither diſcerne nor ſet forward a Warre againſt us; And that prevalent faction of Prelates and Papiſts who have moved every ſtone againſt us, and uſed all ſorts of means, not onely their Counſells, Subſidies, and Forces, but their Church Canons and Prayers, for our utter ruine; which maketh them obnoxious to our juſt accuſations, and guilty of all the loſſes and wrongs which this time paſt we have ſuſtained: Yet this we deſire your Lordſhips to conſider, That the States of the Kingdome of *Scotland* being aſſembled, did endeavour by their Declarations, Informations, and Remonſtrances, and by the proceedings of their Commiſſioners, to make known unto the Councell, Kingdome, and Parliament of *England*, and to forewarn them of the miſchief intended againſt both Kingdomes, in their Religion and Liberties, by the Prelates and papiſts, to

the end that our Invaſion from *England* might have been prevented, if by the prevalency of the faction it had been poſſible. And therefore we may now with the greater reaſon and confidence preſſe our Demand; that your Lordſhips, the Parliament, the Kingdome, and the King himſelf, may ſee us repaired in our loſſes, at the coſt of that faction by whoſe means we have ſuſtained ſo much dammage; And which, except they repent, we finde ſorrow recompenced for our griefe, torments for our toyl, and an infinite greater loſſe for the Temporall loſſes, they have brought upon a whole Kingdome, which was dwelling by them in peace.

All the devices and doings of our common enemies, were to bear down the truth of Religion, and the juſt liberties of the Subjects in both Kingdomes. They were confident to bring this about one of two wayes: Either by blocking us up by Sea and Land, to conſtrain us to admit their will for a law both in Church and *Policy*, and thus to make us a precedent for the like miſery in *England*, or by their Invaſion of our Kingdome, to compell us furiouſly, and without order, to break into *England*; That the two Nations once entred into a bloody Warre, they might fiſh in our troubled waters, and catch their deſired prey. But as we declared before our coming: We truſted that God would turn their wiſedome into fooliſhneſſe, and bring their devices upon their own pates, by our Intentions and Reſolutions to come into *England*, as among our Brethren, in the moſt peaceable way that could ſtand with our ſafety, in reſpect of our common enemies, to preſent our petitions for ſetling our peace, by a *Parliament* in *England*, wherein the intentions and actions, both of our adverſaries and ours, might be brought to light; The Kings Maieſty and the Kingdome rightly informed, The Authors and Inſtruments of our diviſions and troubles puniſhed, All the miſchiefs of a Nationall and doubtfull warre prevented, and Religion

and

and Liberty with greater peace and amity than ever before eſtabliſhed, againſt all the craft and violence of our enemies. This was our Declaration before we ſet our *England*, from which our deportments ſince have not varied. And it hath been the Lords wonderfull doing, by the wiſe counſels, and juſt proceedings of the Parliament, to bring it in a great part to paſſe, and to give us lively hopes of a happy concluſion: And therefore we will never doubt, but that the Parliament in their wiſedom and juſtice, will provide that a proportionable part of the coſt and charges of a work ſo great and ſo comfortable to both Nations be born by the Delinquents there, that with the better conſcience the good people of *England* may ſit under their own Vines and Fig-trees, refreſhing themſelves, although upon our great pains and hazard, yet not altogether upon our coſt and charges, which we are not able to bear.

The Kingdome of *England* doth know and confeſſe that the innovation of religion and liberties in *Scotland*, were not the principall deſigne of our common enemies, but that both in the intention of the workers, whoſe zeal was hotteſt for ſetling their devices at home: and in the condition of the work, making us whom they conceived to be the weaker for oppoſition to be nothing elſe but a leading caſe for *England*. And that although by the power of God, which is made perfect in weakneſſe, they have found amongſt us greater reſiſtance than they did fear, or either they or our ſelves could have apprehended; Yet as it hath been the will of God that we ſhould endure the heat of the day, ſo in the evening the precious wages of the vindication of religion, liberties, and laws are to be received by both Kingdoms, and will enrich, we hope, to our unſpeakable ioy, the preſent age, and the poſterity with bleſſings that cannot be valued, and with the good people of *England*, eſteem more than treaſures of Gold, and willingly would have purchaſed with many thou-

ſands. We do not plead that conſcience and piety have moved ſome men to ſerve God upon their own coſt, and that juſtice and equity have directed others, where the harveſt hath been common to conſider the pains of labouring, and the charges of the ſowing, yet thus much may we ſay, that had a forraigne enemy, intending to reduce the whole Iſland into Popery, made the firſt aſſault upon her weakneſſe, we nothing doubt but the Kingdome of *England*, from their deſire to preſerve their Religion and liberties, would have found the way to bear with us the expence of our reſiſtance and lawfull defence, how much more being invaded, although not by *England*, yet from *England*, by common enemies, ſeeking the ſame ends, we expect to be helped and relieved.

We will never conceive that it is either the will or the weal and honour of *England*, that we ſhould go from ſo bleſſed a work; after ſo many grievous ſufferings, bearing on our backs the inſupportable burdens of worldly neceſſities and diſtreſſes, return to our Country empty, and exhauſted, in which the people of all ranks, ſexes, and conditions, have ſpent themſelves. The poſſeſſions of every man who devoted himſelf heartily to this cauſe, are burdened, not onely with his own perſonall and particular expence, but with the publike and common charges; of which, if there be no relief, neither can our Kingdom have peace at home, nor any more credit for Commerce abroad: Nor will it be poſſible for us, either to aid and aſſiſt our friends, or to reſiſt and oppoſe the reſtleſſe and working wickedneſſe of our enemies: The beſt ſort will loſe much of the ſweetneſſe of the enjoying of their religion and liberties, and others will run ſuch wayes, and undirect courſes as their deſperate neceſſity will drive them into. We ſhall be but a burthen to our ſelves, a vexation unto others, of whoſe ſtrength we deſire to be a conſiderable part, and a fit ſubject for our enemies to work upon for obtaining their now diſappointed, but never dying deſires.

We

We will not alledge the example of other Kingdomes; where the losses of necessary and just defence had been repaired by the other party, nor will we remember what help we have made, according to our abilities, to other reformed Churches; and what the kingdome of *England* of old and of late hath done to *Germany*, *France*, and *Holland*; nor do we use so many words, that *England* may be burthened, and we eased, or that this should be a matter of our Covetousnesse, and not of their Justice and kindnesse; Justice, in respect of our adversaries, who are the causes of the great misery and necessity to which we have been brought: kindenesse, in the supply of our wants who have been tender of the welfare of *England* as of our own, that by this equality and mutuall respect, both Nations may be supported in such strength and sufficiency, that we may be the more serviceable to his Majesty; and abound in every good work, both towards one another, and for the comfort and relieſe of the reformed Churches beyond the Seas, that we may all blesse God, and that the blessing of God may be upon us all.

The English Peers demand concerning the preceding Articles.

WHether this be a positive demand, or onely an intimation of the charge, thereby to induce the Kingdome of *England* to take your distressed estate into consideration, and to afford you some friendly assistance.

The Scottish Commissioners answer to the demand.

WE would be no lesse willing to bear our losses if we had ability, than we have been ready to undergo the hazard; But because the burden of the whole doth far exceed our strength. We have (as is more fully conceived in our Papers) represented to your Lordships our charges and losses, not intending to demand a totall repairation, but of such a proportionable part, as that we may in some measure bear the remanent, which we conceive your Lordships (having considered our reasons) will

judge to be a matter, not of covetousneſſe, but of the ſaid Juſtice and kindeneſſe of the Kingdome of *England*.

Propoſition of the Peers to proceed to the other Demands during the debate of the Scottiſh loſſes.

THat in the Interim, whilſt the Houſes of Parliament take into conſideration your Demand of loſſes and dammages, you proceed to ſettle the other Articles of the peace and intercourſe betwixt the two Kingdomes.

Anſwer to the Peers Demand.

WE have repreſented our loſſes, and thereby our diſtreſſed condition ingenuouſly, and in the ſingleneſſe of our hearts, with very great moderation, paſſing over many things which to us are great burthens, that there might be no difficulty or cauſe of delay on our part, hoping that the honorable Houſes of Parliament would thereby be moved at their firſt convenience, to take the matter to their conſideration.

We do not demand a totall reparation, nor do we ſpeak of the payment, till we conſult about the ſetling of a ſolid peace, at which time the wayes of lifting and paying the money, may be conſidered; We do onely deſire to know what proportion may be expected. That this being once determined, and all impediments ariſing from our by-paſt troubles, removed, we may with the greater confidence, and more hearty conſent on both ſides, proceed to the eſtabliſhing of a firm and durable peace for time to come.

It is not unknown to your Lordſhips, what deſperate deſires, and miſerable hopes our adverſaries have conceived of a breach upon this Article; And we do foreſee what ſnares to us, and difficulties to your Lordſhips may ariſe upon the poſtponing and laying aſide of this Article to the laſt place.

And therefore that our adverſaries may be out of hope,

and

and we out of fear, and that the ſetling of peace may be the more eaſie: We are the more earneſt, that as the former articles have been, ſo this may be upon greater reaſons conſidered in its own place and order.

Your Lordſhips upon the occaſion of ſome motions made heretofore of the tranſpoſing of our Demands, do know, that not onely the ſubſtance, but the order of the propounding of them, is contained in our inſtructions. And as we can alter nothing without warrant, the craving whereof will take more time than the Houſes of Parliament will beſtow upon the conſideration of this Article. So are we acquainted with the reaſons yet ſtanding in force, which moved the ordering of this Demand. And therefore let us ſtill be earneſt with your Lordſhips, that there be no halting here, where the adverſaries did moſt, and we did leaſt of all, by reaſon of the juſtice and kindeneſſe of the Houſes of Parliament expect it.

Reſolved on the Queſtion.

THat this Houſe doth conceive, that the ſumme of three hundreth thouſand pounds is a fit proportion for that friendly aſſiſtance and relief, formerly thought fit to be given, towards the ſupply of the loſſes and neceſſities of our Brethren of *Scotland*. And that this Houſe will, in due time, take into conſideration the manner how, and the time when, the ſame ſhall be raiſed.

Anſwer of the Scots Commiſſioners.

WE intreat your Lordſhips, whoſe endeavours God hath bleſſed in this great work, to make known to the Parliament, that we do no leſſe deſire to ſhew our thankfulneſſe for their friendly aſſiſtance and relief, than we have been earneſt in demanding the ſame. But the thankfulneſſe which we conceive to be due,

due, doth not consist in our affections or words at this time; but in the mutuall kindenesse, and reall demonstrations to be expected from the whole Kingdome of *Scotland* in all time coming: and that not onely for the measure and proportion, which the Parliament hath conceived to be fit; and which (to begin our thankfulnesse now) we do in name of the whole Kingdome cheerfully accept of, but also for the kinde and Christian manner of granting it unto us, as to their Brethren, which addeth a weight above many thousands, and cannot be compensed but by paying their reciprocal love and duty of Brethren. And for the resolution to consider in due time of the raising of the same for our relief, which also maketh the benefit to be double. This maketh us confident that God (whose working at this time hath been wnoderfull) hath decreed the peace and amity of the two Kingdomes, and will remove all rubs out of the way, that our enemies, will at last despair to divide us, when they see that God hath joyned us in such a fraternity. And that divine providence will plentifully recompence unto the Kingdome of *England*, this their justice and kindenesse, and unto *Scotland* all their losses, which shall not by these and other means amongst our selves be repaired, but by the rich and sweet blessings of the purity and power of the Gospel, attended with the benefits of an unhappy and durable peace under his Majesties long and prosperous raigne, and of his royall posterity to all generations.

FINIS.

BODL